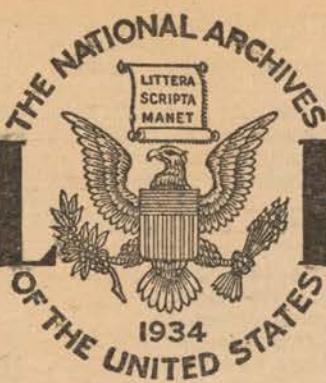


FEDERAL REGISTER



VOLUME 9

NUMBER 49

Washington, Thursday, March 9, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter IX—War Food Administration (Marketing Agreements and Orders)

PART 930—MILK IN TOLEDO, OHIO, MARKETING AREA

Order suspending certain provisions of the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, it is hereby found and determined that the provisions of such order which provide a seasonal minimum price for Class III milk during the months of April, May, and June 1944, are provisions which obstruct and do not tend to effectuate the declared policy of the act with respect to producers of milk under such order.

It is, therefore, ordered, That, effective as of 12:01 a. m., April 1, 1944, and continuing during the months of April, May, and June 1944, the following provisions of § 930.5 (a) (3) of the order, as amended,¹ regulating the handling of milk in the Toledo, Ohio, marketing area, are hereby suspended: "except during the months of April, May, and June when the Class III price shall be the price determined pursuant to subparagraph (4) of this paragraph, less 10 cents."

(E.O. 9322, 8 F.R. 3907, E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C., this 7th day of March 1944.

THOMAS J. FLAVIN,
War Food Administrator.

[F. R. Doc. 44-3314; Filed, March 8, 1944;
11:14 a. m.]

¹ 7 F.R. 4623; 8 F.R. 1257, 4145.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-455, Reinstatement]

GEORGE F. HASTINGS COMPANY

On December 1, 1943, Suspension Order No. S-455 was issued in the case of George F. Hastings, doing business as George F. Hastings Company at 1421 Seventeenth Street, Denver, Colorado. George F. Hastings appealed to the Chief Compliance Commissioner for a stay of the suspension order provisions, which was granted on December 17, 1943. George F. Hastings also filed an appeal from the suspension order itself, together with a brief on appeal. The Deputy Chief Compliance Commissioner, after reviewing the case, has decided that there were wilful violations of Limitation Order L-83 and that the suspension order was properly issued and would not cause irreparable damage to the business of George F. Hastings. The Deputy Chief Compliance Commissioner has directed that the appeal be dismissed, the stay terminated, and the suspension order reinstated for the balance of the original period of time. In view of the foregoing,

It is hereby ordered, That: Suspension Order No. S-455, issued December 1, 1943, be and hereby is reinstated and paragraph (c) is amended to read as follows:

(c) This order shall again become effective March 7, 1944, and shall expire on May 26, 1944.

Issued this 29th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-3303; Filed, March 7, 1944;
4:42 p. m.]

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book. The following are now available:

Book 1: Titles 1-3 (Presidential documents) with tables and index.

Book 2: Titles 4-9, with index.

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thorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.496 Suspension Order No. S-496. (a) Deliveries of materials to Harold A. Cooper, as its receiver, and to Cooper & Cooper, Inc., his and its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to Harold A. Cooper, as its receiver, or to Cooper & Cooper, Inc., his and its successors and assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) The provisions of this suspension order shall not prevent Harold A. Cooper, as its receiver, or Cooper & Cooper, Inc., his and its successors and assigns, from using priority or allocation assistance to obtain material to the minimum extent necessary to enable the receiver and the Corporation to replace those parts of stokers heretofore produced by him or it and now in use which are worn out or damaged beyond repair. The exceptions provided for in this paragraph shall be subject to approval being obtained from the Regional Director of the Boston, Massachusetts, Regional Office of the War Production Board, and specific authority to act on applications for such exceptions is hereby delegated to the Regional Director of the Boston, Massachusetts, Regional Office.

(d) Nothing in this order shall be deemed to relieve Harold A. Cooper, as its receiver, or Cooper & Cooper, Inc., from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on March 7, 1944, and shall expire on July 7, 1944.

Issued this 29th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-3304; Filed, March 7, 1944;
4:42 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-497]

LOUIS MAZOR & SON

Louis Mazor & Son is engaged in the furniture business in Baltimore, Maryland. It is a partnership composed of Samuel Fivel, Blanche Fivel, Nelson F. Jacobson, Bessie M. Jacobson and Mary M. Goodman, and is a controlled merchant, as defined in Limitation Order L-219. During the period from April 1,

1943, to June 30, 1943, their allowable receipts of consumers' goods, as permitted under the provisions of Limitation Order L-219, were in the sum of \$15,190; however, during this period they actually received goods of the value of \$53,633. This excessive receipt of consumers' goods in the amount of \$38,443 constituted a violation of Limitation Order L-219. During the period from July 1, 1943, to September 30, 1943, their allowable receipts of consumers' goods, as permitted under the provisions of Limitation Order L-219 were in the sum of \$29,658; however, during this period they actually received goods of the value of \$42,755. This excessive receipt of consumers' goods in the amount of \$13,097 during the period, constituted a violation of Limitation Order L-219. All of the partners were aware of the provisions of Limitation Order L-219, and these acts constituted wilful violations of Limitation Order L-219.

These violations of Limitation Order L-219 have interferred with the controls established by the War Production Board for the distribution of critical materials. In view of the foregoing, it is hereby ordered, That:

§ 1010.497 Suspension Order No. S-497. (a) Samuel Fivel, Blanche Fivel, Nelson F. Jacobson, Bessie M. Jacobson and Mary M. Goodman, individually or doing business as Louis Mazor & Son, or otherwise, their or its successors and assigns, shall not receive physical delivery of any consumers' goods, either at their stores or warehouse, or at any other place of storage, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Samuel Fivel, Blanche Fivel, Nelson F. Jacobson, Bessie M. Jacobson and Mary M. Goodman, individually or doing business as Louis Mazor & Son, or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on March 7, 1944, and shall expire on May 7, 1944.

Issued this 29th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-3305; Filed, March 7, 1944;
4:42 p. m.]

Chapter XI—Office of Price Administration

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 239; Amdt. 11]

LAMB AND MUTTON CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously

herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. The title of Revised Maximum Price Regulation No. 239 is amended to read as set forth above.

2. The headnote following "Subpart A" is amended to read as follows: "Subpart A—General Provisions"

3. Section 1364.151 is amended to read as follows:

§ 1364.151 Prohibition against selling lamb and mutton carcasses, lamb and mutton wholesale cuts and hotel supply cuts (fabricated meat cuts) at prices above the maximum. On and after December 23, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any lamb or mutton carcass, lamb or mutton wholesale cut, or hotel supply cut (fabricated meat cut), and no person in the course of trade or business shall buy or receive any lamb or mutton carcass, lamb or mutton wholesale cut, or hotel supply cut (fabricated meat cut) at prices higher than the maximum prices established pursuant to this Revised Maximum Price Regulation No. 239, and no person shall agree, offer, solicit, or attempt to do any of the foregoing: *Provided*, That on and after June 14, 1943, a war procurement agency, in addition to paying to the seller the maximum price for the commodity prescribed by the applicable provision of this regulation, may pay to Defense Supplies Corporation an amount equivalent to the meat production payments made by the Defense Supplies Corporation on account of the production of such meat.

4. The first paragraph of § 1364.153 is amended to read as follows:

§ 1364.153 Exempt sales. The provisions of this Revised Maximum Price Regulation No. 239 shall not apply to sales at retail as defined in § 1364.160 (a) (3) of this regulation or the following sales or deliveries:

5. Section 1364.154 is amended to read as follows:

§ 1364.154 Export sales. The maximum price at which a person may export any lamb and mutton carcass or lamb and mutton wholesale cut shall be determined in accordance with the provisions of the Revised Export Price Regulation issued by the Office of Price Administration.

6. Section 1364.159 (b) is added to read as follows:

(b) (1) Every separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (c) of §§ 1364.176 through 1364.183, inclusive, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect customary records including a complete and accurate record of each such sale and/or delivery showing the

date of sale, the name and address of the buyer, the weight and grade of each hotel supply cut (fabricated meat cut) sold to a purveyor of meals, the price charged and the total cost thereof. All sales of kosher meats are to be shown separately.

(2) On or before March 28, 1944, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (c) of §§ 1364.176 through 1364.183, inclusive, shall file a statement in duplicate with the appropriate Regional Office of the Office of Price Administration showing:

(i) The total volume by weight of all meats, (fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage and similar products thereof) and variety meats and edible byproducts (defined in § 1364.174 (a) (13) hereof) sold and/or delivered by such establishment from September 15, 1942, through December 15, 1942, other than to war procurement agencies;

(ii) The total volume by weight of all meats (fresh, frozen, cured and/or corned, cooked, dried, canned or otherwise processed, including sausage, and similar products thereof) and variety meats and edible by-products (defined in § 1364.174 (a) (13) hereof) sold and/or delivered from September 15, 1942, through December 15, 1942, to purveyors of meals other than to war procurement agencies;

(iii) The total volume by weight of all beef, veal, lamb and mutton, not including canned meats, variety meats and edible by-products (defined in § 1364.174 (a) (13) hereof), sausage and similar products thereof, sold and/or delivered from September 15, 1942, through December 15, 1942, to purveyors of meals other than to war procurement agencies.

(3) Not later than the tenth day following each three months quota period ending August 31, November 30, February 28 or 29, or May 31, each separate selling establishment making sales to purveyors of meals pursuant to the provisions of paragraph (c) of §§ 1364.176 through 1364.183, inclusive, shall file with the appropriate Regional Office of the Office of Price Administration, a statement showing for such three months quota period, the total volume by weight of fabricated meat cuts sold or delivered by such selling establishment to purveyors of meals, other than the War Shipping Administration and/or contract schools.

(4) Not later than the tenth day following each three months quota period ending August 31, November 30, February 28 or 29, or May 31, each hotel supply house making sales and/or deliveries to purveyors of meals pursuant to paragraph (c) of §§ 1364.176 to 1364.183 in addition to sales of retail meat cuts and/or variety meats and edible by-products and/or processed meat products to ultimate consumers, pursuant to § 1364.168a, shall file with the appropriate Regional Office of the Office of Price Administration a statement showing for such three months quota period (i) the total volume by weight of all meats (fabricated, fresh, frozen, cured and/or

*Copies may be obtained from the Office of Price Administration.

corned, cooked, dried, canned or otherwise processed, including sausage and similar products thereof) and/or variety meats and edible by-products sold by such establishment other than to contract schools and/or the War Shipping Administration; (ii) the total volume by weight of all retail meat cuts and/or variety meats and edible by-products and/or processed meat products sold by such establishment to ultimate consumers: *Provided, however,* That no such report need be filed under this paragraph (b) if the similar report required by § 1364.407 (e) of Revised Maximum Price Regulation No. 169 (Beef and Veal Carcasses and Wholesale Cuts) is filed in lieu thereof.

7. Section 1364.160 (a) (5) is amended to read as follows:

(5) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and the sale of fabricated meat cuts to purveyors of meals, including the sale of lamb and mutton carcasses and/or wholesale cuts, variety meats and edible by-products, and sausage to purveyors of meals, and in the sale of retail meat cuts, variety meats and edible by-products, and/or processed meat products to ultimate consumers pursuant to the provisions of § 1364.168a of this regulation; and which during the period of September 15, 1942, through December 15, 1942, sold and/or delivered to purveyors of meals, other than war procurement agencies, not less than 70 percent of the total volume by weight of all meats, variety meats and edible by-products, and/or sausage and similar products thereof, sold by it.

8. Section 1364.160 (a) (9) is hereby revoked.

9. Section 1364.160 (a) (10) and (11) is redesignated (a) (9) and (10) respectively.

10. Subpart B (§§ 1364.161 through 1364.165) is revoked.

11. Subpart C (§§ 1364.166 through 1364.185) is redesignated Subpart B, and the title of Subpart B is amended to read as follows: "Subpart B—Provisions relating to sales of mutton and lamb at wholesale."

12. Section 1364.166 is amended to read as follows:

§ 1364.166 Maximum prices for lamb and mutton carcasses, lamb and mutton wholesale cuts, and hotel supply cuts (fabricated meat cuts). Subject to the maximum price instructions contained in § 1364.169, the seller's maximum prices for each grade of each lamb and mutton carcass and wholesale cut and/or hotel supply cut (fabricated meat cut) shall be the applicable zone price established for the applicable zone, as set forth in Appendix A hereof, inclusive, incorporated herein as §§ 1364.176 to 1364.183, plus the permitted additions, if any, specified in § 1364.170, minus the required deductions, if any, specified in § 1364.171. The applicable zone is to be

determined in accordance with the provisions of paragraph (b) of § 1364.169.

13. The first paragraph of § 1364.167 is amended to read as follows:

§ 1364.167 Duty to maintain grades and to determine maximum prices and to invoice accordingly. No person shall sell, offer to sell, solicit, ship, deliver or break and no person in the course of trade or business shall buy or receive any lamb or mutton carcass or wholesale cut unless it has been graded in accordance with the provisions of this section; and no person shall sell, offer for sale, or deliver and no person in the course of trade or business shall buy or receive any lamb or mutton carcass or wholesale cut at a price higher than that established for the grade in which such carcass or wholesale cut has been classified.

14. Section 1364.168 is amended to read as follows:

§ 1364.168 Limitations on volume of sales to purveyors of meals. (a) Notwithstanding the terms of any contract, agreement or other obligation, no hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other seller's establishment shall sell and/or deliver to purveyors of meals other than the War Shipping Administration and/or contract schools, during any three months quota period beginning June 1, September 1, December 1 or March 1, a total volume by weight of hotel supply cuts (fabricated meat cuts) in excess of 90 percent of the total volume by weight of beef, veal, lamb and mutton, not including canned meats of any kind, variety meats and edible by-products of any kind, and/or sausage and similar products thereof, sold or delivered by such selling establishment from September 15, 1942, through December 15, 1942, to purveyors of meals other than to war procurement agencies, except that any selling establishment which was not engaged in sales of beef, veal, lamb and mutton to purveyors of meals from September 15, 1942, through December 15, 1942, for the reason that the selling unit and all facilities thereof, were under the control of an agency of the United States Government, may determine its quota by reference to the three months quota period of 1942 immediately prior to such assumption of control: *Provided, however,* That any selling establishment may file an application in duplicate with the appropriate Regional Office of the Office of Price Administration or such other offices as may be authorized by the appropriate Regional Office, and request authorization to sell and/or deliver fabricated meat cuts to purveyors of meals. Such selling establishment shall allege and prove that the granting of such authorization will alleviate a critical shortage in supplies of such meat items available in the market area for purveyors of meals, which shortage has occurred because of (1) the issuance of a judicial or administrative suspension order against any person in the market area prohibiting the sale and/or delivery by any person of any meat item subject to a quota restriction

under the provisions of this regulation, or (2) the voluntary or involuntary cessation or suspension of business by a person, lawfully authorized to make sales pursuant to paragraph (c) of §§ 1364.176 through 1364.183.

Upon proof of the foregoing, the Regional Administrator for the area or such office as may be designated by the Regional Administrator, may by order, authorize a quota for such period and subject to such terms and conditions as are deemed necessary, not in excess, however, of such portion of ascertainable quota or quotas which remain unused in the market area and which cause the critical shortage. Following the issuance to any selling establishment of such authorization the Regional Administrator for the area shall forward a copy of the application together with a copy of the authorization and such other data as were used in the determination to the Administrator at Washington, D. C., for review. After review, the Regional Administrator shall change, modify or revoke the order in such manner as the Administrator deems appropriate. However, the provisions of the Regional Administrator's order or the order of such office as may be authorized by the Regional Administrator, shall remain in full force and effect until such time as it is changed, modified or revoked.

(b) The appropriate Regional Office of the Office of Price Administration may by order, adjust the quota established by any selling establishment pursuant to paragraph (a) of this § 1364.168 in any case where it is shown that the quota so established is below an amount which represents normal seasonal demand during any three months quota period and is substantially below the quota which such selling establishment would have arrived at if determined by reference to the corresponding three months quota period of 1942. Upon proof of the foregoing, the Regional Administrator for the area may authorize such separate selling establishment by order, subject to such conditions as may be deemed appropriate, to sell or deliver a specified volume by weight of fabricated meat cuts to purveyors of meals during such three months quota period for which adjustment is sought: *Provided, however,* That the adjusted quota shall not be in excess of a quota determined pursuant to paragraph (a) of this § 1364.168 through application of sales made during the corresponding three months quota period of 1942.

(c) Any person who violates any provision of this section may, in addition to any other penalty provided by law, be prohibited by administrative suspension order from receiving, selling, using or otherwise disposing of any fabricated meat cuts. Such suspension order shall be issued for such period as in the judgment of the Administrator or such person as he may designate for that purpose, is necessary and appropriate in the public interest or to promote the national security.

(d) This § 1364.168 and § 1364.168a are issued under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 3, 1942; Directive No. 1 and Supplemen-

tary Directive No. 1-M of the War Production Board, issued on January 24, 1942, and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directives Nos. 1, 3, 5, 6 and 7 issued by the Secretary of Agriculture.

15. Section 1364.168a is added to read as follows:

§ 1364.168a Limitation on volume of sales to ultimate consumers by hotel supply houses. (a) Any hotel supply house may sell and/or deliver to ultimate consumers during any three months quota period beginning June 1, September 1, December 1 or March 1, a volume by weight of retail meat cuts and/or variety meats and edible by-products and/or processed meat products which are described and for which maximum prices are established in Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton and All Variety Meats and Edible By-Products"; Maximum Price Regulation No. 336, "Retail Ceiling Prices for Pork Cuts and Processed Meat Products," and Maximum Price Regulation No. 394, "Retail Ceiling Prices for Kosher Beef, Veal, Lamb and Mutton Cuts," not in excess of 20 percent of the actual sales or deliveries made by it pursuant to paragraph (a) of § 1364.168 during the same three months quota period. Such sales at retail must be made at prices not higher than those established for class 3 and 4 stores: *Provided*, That no hotel supply house shall make sales to ultimate consumers pursuant to this paragraph (a) until (1) such hotel supply house shall have filed with the appropriate Regional Office of the Office of Price Administration a statement in affidavit form showing that from September 15, 1942, through December 15, 1942, such establishment regularly and generally made sales of retail meat items to ultimate consumers from the same selling establishment in conjunction with its sales to purveyors of meals and (2) such hotel supply house has received written authorization from the appropriate Regional Office, approving such affidavit and authorizing the sale and/or delivery of fabricated meat cuts to purveyors of meals at maximum prices specified in paragraph (c) (1) of §§ 1364.176 through 1364.183, inclusive, in addition to the sale to ultimate consumers of retail meat cuts and/or variety meats and edible by-products and/or processed meat products which are described and for which maximum prices are established by Maximum Price Regulations Nos. 355, 336 and 394 for class 3 and 4 stores. Nothing contained in this paragraph (a) shall be construed so as to permit the sales and/or deliveries of fabricated lamb cuts and/or fabricated mutton cuts to purchasers other than purveyors of meals.

(b) Any hotel supply house whose sales or deliveries to ultimate consumers, during any three months quota period, exceed 20 percent of the actual sales or deliveries made by it pursuant to paragraph (a) of § 1364.168 during the same three months quota period, shall thereafter be required to use the maximum

prices specified in paragraph (c) (1) (ii) of §§ 1364.176 through 1364.183, inclusive, on sales of fabricated lamb cuts and/or fabricated mutton cuts to purveyors of meals.

16. The headnote and the first subparagraph of § 1364.169 (b) are amended to read as follows:

(b) *Determination of applicable zone prices.* The applicable zone prices for all sales of lamb and mutton shall be determined as follows:

(1) Except on sales to a war procurement agency, the applicable zone price shall be the price specified in §§ 1364.176 to 1364.183 (Appendices A to H) for the zone in which is located the seller's distribution point. The schedule for each price zone contains a statement setting forth the states or counties in each state which are included within the price zone covered by that schedule. The distribution point is the packing or slaughtering plant, branch house, hotel supply house, warehouse, or car route unloading point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which delivery by the seller, otherwise than by rail, to the buyer's place of business begins; or

(iii) From which the meat, consigned to the buyer, (a) is delivered to a common carrier, other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (b) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail terminal point nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which lamb or mutton consigned to the buyer is delivered to a railway express company for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(2) On sales to a war procurement agency the applicable zone price shall be at the option of the buyer the prices specified in §§ 1364.176 to 1364.183 (Appendices A to H) for, either

(i) The zone in which is located the seller's distribution point, plus all transportation charges to the point of delivery, or

(ii) The zone in which is located the point at which the buyer takes delivery.

17. Paragraphs (c) and (d) (1) of § 1364.169 are amended to read as follows:

(c) *Applicable zone price of miscuts.*

(1) For any lamb or mutton wholesale cut which has been miscut or for any piece or portion of lamb or mutton which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 239, the applicable zone price, except on sales to purveyor of meals by a hotel supply house, shall be the applicable zone price of the lowest priced

wholesale cut. The zone price for a bracelet or chuck as defined in § 1364.174, except for a kosher bracelet or chuck when sold or offered for sale to a kosher dealer or purveyor of kosher meals, shall be the applicable zone price of the lowest priced wholesale cut.

(2) For any lamb or mutton sold to a purveyor of meals by a hotel supply house, other than a wholesale cut or a hotel supply cut as defined in § 1364.174, the zone price shall be the applicable zone price of the lowest priced hotel supply cut.

(d) *Sales of kosher meat limited to kosher dealers and purveyors of meals.*

(1) Lamb or mutton carcasses or wholesale cuts shall not be sold, offered for sale or delivered as kosher and shall not be purchased or received in the course of trade or business as kosher by any purchaser other than a kosher dealer or a purveyor of kosher meals.

18. The headnote and paragraph (a) of § 1364.170 are amended to read as follows:

§ 1364.170 Amount which may be added to applicable zone prices for lamb and mutton listed in Appendices A to H—(a) Wholesaler's selling addition. On sales of any lamb and/or mutton carcasses and cuts and/or any other meat item subject to this regulation, excluding therefrom sales made pursuant to paragraph (c) of §§ 1364.176 through 1364.183, a person who at the time of the sale is a wholesaler may add 75 cents per hundredweight to the applicable zone price: *Provided, however*. That no person shall charge the addition permitted by this § 1364.170 (a) unless such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person (1) is engaged in the business of buying lamb and mutton carcasses and/or lamb and mutton wholesale cuts for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 239. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

19. Section 1364.170 (c) (3) is amended to read as follows:

(3) For packing lamb or mutton wholesale-cuts in closed or sealed boxes or barrels delivered to the buyer's place of business and to be retained by the buyer on sales to a seller at retail, purveyor of meals, commercial user (not wholesaler, branch house or hotel supply house), or government agency other than a war procurement agency, there may be added \$0.25 per cwt.: *Provided*, That this charge for packaging or box-

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ing may not be made in addition to the charge for wrapping permitted by paragraphs (b) (1) and (b) (2) of this section.

20. Section 1364.170 (i) (3) is amended to read as follows:

(3) *For delivery by a wholesaler, hotel supply house or other intermediate distributor.* If the seller is a wholesaler or hotel supply house who has paid a charge under paragraph (i) of this section for delivery and/or transportation, he may upon the resale of the meat upon which the charge has been made add the amount of such charge up to \$.25 upon sales made from a distribution point located in price Zones 1 and 5 to 10, inclusive, and up to \$.50, in price zones 2, 3 and 4.

21. The headnote of § 1364.171 (b) is amended to read as follows:

(b) *For lamb and mutton carcasses and wholesale cuts not graded by an official grader.*

22. Section 1364.173 is hereby revoked.

23. Section 1364.174 (a) (2) and (3) is amended to read as follows:

(2) "Three months quota period" means and is limited to the following quarterly periods: June 1 to August 31, inclusive, September 1 to November 30, inclusive, December 1 to February 28 or 29, inclusive, and/or March 1 to May 31, inclusive.

(3) A "wholesaler" means a wholesaler who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

24. Section 1364.174 (a) (13) is added to read as follows:

(13) "Variety meats and edible by-products" include and are limited to those items only which are defined and for which maximum selling prices are established in Maximum Price Regulation No. 398, "Variety Meats and Edible By-Products at Wholesale" and/or Maximum Price Regulation No. 355, "Retail Ceiling Prices for Beef, Veal, Lamb and Mutton Cuts and All Variety Meats and Edible By-Products".

25. Section 1364.174 (a) (14) is added to read as follows:

(14) "Fabricated meat cuts" as used in this regulation means and is limited to those hotel supply cuts which are described and for which maximum prices are established in this regulation and those fabricated beef and fabricated veal cuts which are described and for which maximum prices are established in Revised Maximum Price Regulation No. 169, "Beef and Veal Carcasses and Wholesale Cuts".

This amendment shall become effective as of March 1, 1944.

NOTE: The recording and reporting provisions of this amendment have been approved by the Bureau of the Budget in ac-

cordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3266; Filed, March 7, 1944;
12 m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 469,¹ Amdt. 5]

LIVE HOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Item 19 (c) of Schedule III of section 13 is amended by deleting "Tama", "Paweshiek" and "Mahaska" appearing therein.

This amendment shall become effective March 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

Approved: February 28, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-3265; Filed, March 7, 1944;
12:01 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,² Amdt. 107]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 5C is amended in the following respects:

1. A center headnote preceding § 1394.8354 is added to read as follows:

"Non-Highway Rations and Delivery Records in the Pennsylvania Test Area."

2. Sections 1394.8354 through 1394.8361 are added to read as follows:

§ 1394.8354 *General.* The following sections under this heading provide for the issuance of delivery records (OPA Form R-585) to persons who receive or have been issued non-highway rations and for the computation of such rations. These sections apply only to the Penn-

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 12562, 13741, 13847; 9 F.R. 694, 1522.

² 8 F.R. 15937, 16250, 16420; 9 F.R. 104; 8 F.R. 16845, 16846, 17327, 17484, 17297; 9 F.R. 286, 90, 1181, 1180, 972, 1326, 1397, 1712, 2033, 2087, 2239.

sylvania Test Area. This area consists of the area served by War Price and Rationing Board No. 2636.1, located at Lancaster, Pennsylvania. The provisions contained in these sections providing for the issuance and presentation of delivery records are not applicable to any person who maintains a ration bank account.

§ 1394.8355 *Non-highway rations.* Application for a non-highway ration and the issuance and determination of such rations and the issuance of renewals and further rations for non-highway purposes as presently provided in §§ 1394.7901 through 1394.7904 and §§ 1394.8051 through 1394.8054 remain in full force and effect in the Pennsylvania Test Area, except for the limitations contained in the following sections.

§ 1394.8356 *Issuance of delivery records.* (a) Upon the issuance or renewal of any non-highway ration, or the issuance of a further ration for non-highway purposes, or the issuance of a second installment of a non-highway ration for use in connection with farming, the Board shall issue to the applicant for use with such ration a delivery record (OPA Form R-585) or any number of such records which are required. At the time of issuance the Board shall note on such record the name and address of the applicant, the designation of the issuing Board, the signature of the issuing officer and the amount of non-highway rations to be accounted for by the person receiving such record.

(b) The Board may issue a delivery record to any person who holds a currently valid non-highway ration when a delivery record has not been issued for use with such rations.

§ 1394.8357 *Issuance of non-highway ration; computation of the total ration to be accounted for—(a) When a delivery record has not been issued.* (1) Upon the issuance of a non-highway ration, or the renewal of a non-highway ration or the issuance of a further ration for non-highway purposes when a delivery record has not previously been issued for use with such ration, the gallonage value of the ration issued is the total ration to be accounted for.

(2) When application is made for the issuance of the second installment of a non-highway ration issued for use in connection with farming and a delivery record has not previously been issued for use with such ration, the Board shall redetermine the applicant's needs for the remainder of the ration period. The Board shall deduct from such amount the gallonage value of the ration which it determines is outstanding. The number of gallons obtained by making such deduction is the amount to be issued the applicant for the ration period and such amount, together with the gallonage value of the outstanding ration, is the total ration to be accounted for.

(3) When a delivery record is issued for use with a currently valid ration, the value in gallons of the outstanding ration is the total ration to be accounted for.

(b) When a delivery record has been issued. (1) When a non-highway ration has been issued in installments for use in connection with farming, the applicant, when requesting the issuance of the second installment of the ration, shall present to the Board the delivery record issued for use with such ration and any delivery tickets which he has received in accordance with § 1394.8358 (b). The Board shall redetermine the applicant's needs for the remainder of the six-month period and shall deduct from such amount the gallonage value of the outstanding ration. The Board shall compute the gallonage value of the outstanding ration from the number of Class E and R coupons surrendered by the applicant in exchange for bulk deliveries of gasoline as shown by the delivery record, the delivery tickets accompanying such record, deliveries established pursuant to § 1394.8359 and any additional information available to the Board. The number of gallons obtained by deducting the outstanding ration from the amount needed for the remainder of the ration period is the amount to be issued to the applicant for such period, and such amount, together with the gallonage value of the outstanding ration, is the total ration to be accounted for.

(2) When application is made for the renewal of the non-highway ration or the issuance of a further ration for non-highway purposes, the applicant shall present to the Board the delivery record issued for use with such ration and any delivery tickets which he has received in accordance with § 1394.8358 (b). The Board shall determine the applicant's needs for the ration period and shall deduct from such amount the gallonage value of the outstanding ration. The Board shall compute the gallonage value of the outstanding ration from the number of Class E and R coupons surrendered by the applicant in exchange for bulk deliveries of gasoline as shown by the delivery record, the delivery tickets accompanying such record, deliveries established pursuant to § 1394.8359 and any additional information available to the Board. The number of gallons obtained by deducting the outstanding ration from the amount needed for the remainder of the ration period is the amount to be issued to the applicant for such period, and such amount, together with the gallonage value of the outstanding ration, is the total ration to be accounted for. Such renewal or further ration shall be computed from the date of application, and shall be issued as of such date.

(c) When the gallonage value of an outstanding nonhighway ration has been deducted in computing the amount to be issued as a further ration, such outstanding ration shall not be surrendered upon the issuance of the further ration, but shall be retained for use during the valid period of such further ration. When the gallonage value of an outstanding non-highway ration has been deducted in computing the amount to be issued in renewal of a ration, the outstanding ration shall not expire on the date the renewal of such ration is issued, but may be retained for use during the

valid period of such ration. The extension of the valid period of the outstanding ration is an exception to that part of § 1394.8102 (a) which provides that a non-highway ration shall expire on the date when a renewal of such ration becomes valid.

§ 1394.8358 *Use of delivery records—(a) Information to be noted on the delivery record.* At the time Class E and R coupons are surrendered by a consumer in exchange for a bulk transfer of gasoline, the transferee shall present to the transferor the delivery record issued for use with the ration surrendered. The transferor shall note upon the delivery record the following information:

1. The date of delivery.
2. The total number of gallons delivered.
3. The total gallonage value of Class E and R coupons surrendered.
4. The name and address of the transferor.
5. The signature of the person delivering the gasoline.

(b) *When the delivery record is not available.* If a delivery of gasoline is made at a time when the delivery record is not available, the transferor shall furnish the transferee with a delivery ticket containing the information set out in paragraph (a) of this section. These delivery tickets must accompany the delivery record when such record is surrendered to a Board.

(c) Any applicant who submits to a Board a delivery record for the purpose of making a computation shall certify as to the number of bulk deliveries he has received and the gallonage value of Class E and R coupons surrendered therefor. He shall also certify as to the number of Class E and R coupons that are contained in any outstanding non-highway ration in his possession.

§ 1394.8359 *Failure to make notation on delivery record.* The gallonage value of any Class E and R coupons surrendered in exchange for a bulk delivery of gasoline which is not entered on the delivery record or represented by delivery tickets shall not be considered by the Board in determining the amount of rations outstanding unless the Board finds by evidence offered by the person presenting the delivery record that such deliveries were made.

§ 1394.8360 *Lost, stolen, destroyed, mutilated or wrongfully withheld delivery records.* In the event of loss, theft, destruction, or mutilation of a delivery record, the person entitled to the possession thereof may make application to the issuing Board for the replacement of such record. If the Board determines that the applicant is acting in good faith it shall issue a replacement. When issuing a replacement, the Board shall note on the delivery record the actual gallonage value of the non-highway ration remaining in the hands of the applicant. The Board may, in order to reconcile the total amount of bulk deliveries with the amount of the non-highway ration still unused require the applicant to establish all deliveries which he has received in exchange for Class E and R coupons since the lost delivery record was issued.

§ 1394.8361 *Exceptions by District Director or Director of Automotive Supply Rationing Division.* The Director of the Automotive Supply Rationing Division, Washington, D. C., or the Harrisburg District Director may modify any of the provisions contained in §§ 1394.8355 through 1394.8361 (or grant exceptions thereto) covering the issuance or use of non-highway rations in connection with delivery records. (Action taken under this section shall not include modification of any other provision of this order.)

This amendment shall become effective March 10, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3268; Filed, March 7, 1944;
12 m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

(RO 5C, Amdt. 109)

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. In § 1394.8004 (e) the text preceding subparagraph (1) is amended to read as follows: "Immediately upon receipt of any ration coupons each person to whom such coupons are issued shall write, stamp or print on the face of the coupons issued to him the following information:"

2. Section 1394.8004 (e) (3) is amended to read as follows:

(3) In the case of Class E and R coupons no notations need be made upon receipt of the ration, but prior to a transfer of gasoline in exchange therefor, the ration holder shall write, stamp or print his name and address on the face of each coupon presented separately. However, when gasoline is obtained in exchange for Class E or R coupons in a strip or block such notations may be written on the strip or block of coupons. If a dealer or distributor, after receiving such strip or block of coupons, detaches any coupons from the strip or block, he must write the ration holder's name and address on each detached part which does not bear such notation.

This amendment shall become effective March 15, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bu-

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 15937, 16250, 16420, 9 F.R. 104, 8 F.R. 16845, 16846, 17327, 17484, 17297; 9 F.R. 286, 90, 1181, 1180, 972, 1326, 1397, 1712, 2033, 2087, 2239.

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reau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3267; Filed, March 7, 1944;
12:01 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,¹ Amdt. 53]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 1.14 (b) is amended to read as follows:

(b) Any member of the armed services of the United States who wants shoes that he cannot get from his branch of the armed services and who does not have a war ration shoe stamp may get certificates for the shoes he needs. Certificates for this purpose may be issued by an authorized officer of his branch of the armed services. Any member of the armed services of other United Nations residing within the United States, who does not have a war ration shoe stamp may get certificates for the shoes he needs from any authorized issuing officer of the armed services of the United States, or from an authorized issuing officer designated by the armed service of which he is a member and approved by a branch of the armed services of the United States. Supplies of certificates for this purpose may be furnished to an armed service of another nation by the branch of the armed service of the United States approving the appointment of the issuing officer.

2. Section 2.13 is amended by changing the headnote to read as follows: "Establishments must keep records; accountability."

3. Section 2.13 (d) is added to read as follows:

(d) Every establishment shall be accountable for all ration currency received by it. The amount of ration currency an establishment has on hand or on deposit at a bank or which it has forwarded to a supplier plus the number of pairs of shoes it has in inventory shall at all times be equal to but not in excess of its inventory responsibility as established by OPA Form R-1701 or R-1701 (Revised), as adjusted by the records showing increases or decreases in inventory responsibility required by paragraph (b) above, except to the extent it can account for such excesses or deficits by reason of

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 15834, 16605, 16996; 9 F.R. 92, 573, 764, 2233.

conditions which are not due to its violation of other provisions of this Order.

4. The definition of "Safety Shoes" in Section 3.13 is amended by adding at the end of the paragraph the following: "(Women's safety shoes made with a plastic or fibre box toe will not be considered safety shoes after May 1, 1944.)"

This amendment shall become effective March 11, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727, 8 F.R. 7440; E.O. 9125, 7 F.R. 2719)

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3269; Filed, March 7, 1944;
12:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 10,¹ Amdt. 16]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 10 is amended in the following respects:

1. The note following the table under § 1407.687 is deleted.
2. In § 1407.704 (a), the comma following the words "corn meal" is changed to a period, and the clause following the words "corn meal" is deleted.

This amendment shall become effective February 21, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9250, 7 F.R. 7671; WPB Dir. No. 1, E.O. 9280, 7 F.R. 10179; F.D. No. 3, 8 F.R. 2005; F.D. No. 9, 8 F.R. 9600)

Issued this 21st day of February 1944.

JACOB A. ROBLES,
Territorial Director,
Virgin Islands.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 44-3270; Filed, March 7, 1944;
12 m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 518]

ROUGH RICE

In the judgment of the Price Administrator, the prices of rough rice have risen and are threatening to rise further to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended, and are

¹ 7 F.R. 6887, 8523, 8607, 10707; 8 F.R. 1394, 3315, 3843, 4190, 4892, 5268, 7017.

thereby causing undue increases in prices.

The maximum prices established by this Maximum Price Regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

Such specifications and standards as are used in this regulation have previously been promulgated and their use lawfully required by another Government agency. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In fixing the maximum prices established by this regulation, the Price Administrator has given adequate weighting to farm labor. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

§ 1439.13 Maximum prices for sales of rough rice. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, this Maximum Price Regulation 518 (Rough Rice) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.13 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 518—ROUGH RICE

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Sec.

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SECTION 1. Applicability. (a) Except as provided in paragraphs (b) and (c) of this section, this regulation shall apply to all sales of domestic and imported rough rice whether for immediate or future delivery within the 48 states and the District of Columbia of the United States.

(b) This regulation shall have no application to any rough rice purchased by the United States or any of its agencies under such circumstances of emergency as to make immediate delivery imperative and as to render it impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable, if such

purchases and deliveries are made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation.

(c) Except as provided in section 13 hereof, this regulation shall have no application to sales of rough rice for use or resale only as seed for planting.

Sec. 2. Effect of maximum prices. (a) While this regulation is in effect, regardless of any contract or other commitment, no person shall in the course of trade or business sell, deliver, buy or receive rough rice at prices above the maximum prices established by this regulation; nor shall any person offer, solicit, agree or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this regulation may be charged and paid.

Sec. 3. Definitions. (a) As used herein the following terms shall have the following meanings:

(1) "Barrel" as a unit of measurement means 162 pounds of rough rice.

(2) "Bushel" as a unit of measurement means 45 pounds of rough rice.

(3) "Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing; and includes the United States or any government or any political subdivision or agency of either.

(4) "Point of production" means the farm or field where the rough rice in question was grown or harvested.

(5) "Rough rice" includes all varieties of rough rice (sometimes known as paddy) as defined in the United States Standards for Rough Rice.

(6) "Mixed rough rice" includes all mixtures of rough rice as defined in Class XI of the United States Standards for Rough Rice.

(7) "Country shipping point" is a place having facilities such as a warehouse or grain elevator equipped with suitable scales or railroad facilities customarily used for the storage, marketing and loading for shipment of rough rice. If a farm or point of production has such facilities located thereon, such farm shall be deemed a country shipping point as to rice grown on such farm.

(8) "Transportation charges" shall be the reasonable value of the haul in question, not to exceed the lowest common carrier rate, if any (including any applicable transportation tax), for the billing or shipment in question.

(9) "Base quality" as applied to rough rice grown in California means rough rice which is appraised on sample by a customarily neutral facility to yield upon milling 48 pounds of whole kernels (with a tolerance of 4 percent broken kernels) and 70 pounds total milled rice (all classes) for each 100 pounds of rough rice.

(b) This regulation in speaking of sales or purchases at a given point (such as point of production, country shipping point or other point) means that the purchaser shall receive actual delivery of the rough rice in question at said point.

SEC. 4. Maximum prices for the sale or delivery of rough rice grown in any state except California. (a) The maximum prices for the sale and delivery of rough rice not grown in the State of California, bulk, containing not more than 17 percent moisture, at the country shipping point nearest (by the most usually traveled route) to the point of production shall be as follows:

Varieties (or class)	Maximum price	
	Per barrel	Per bushel
Rexoro.....	\$7.05	\$1.958
Nira.....	6.65	1.847
Fortuna.....	6.15	1.708
Edith.....	6.10	1.694
Blue Rose.....	6.15	1.708
Southern Pearl.....	6.00	1.667
Lady Wright.....	6.15	1.708
Zenith.....	5.30	1.472
Early Prolific.....	6.10	1.694
Prelude.....	6.15	1.708
Ark-Rose.....	5.30	1.472
All other varieties.....	(¹)	(¹)
Mixed rough rice.....	(¹)	(¹)

¹ Multiply the percentage of each variety contained in the mixture by its respective maximum price as above set forth and total the results.

(b) The foregoing maximum prices shall be decreased 20 cents per barrel (or 5.5 cents per bushel) for each one percent or fraction thereof of moisture content in the lot over 17 percent.

(c) The maximum prices specified in paragraphs (a) and (b) of this section shall be decreased by 16 cents per barrel (or 4.4 cents per bushel) for a like sale and delivery of rough rice at the point of production.

(d) The maximum prices specified in paragraphs (a) and (b) of this section shall be increased for a like sale at any point other than:

(1) At the country shipping point nearest to the point of production covered by paragraph (a) of this section, or

(2) At the point of production covered by paragraph (c) of this section, by the amount of transportation charges from that country shipping point nearest to the point of production to the buyer's actual receiving point by a usual route and method of transportation.

SEC. 5. Maximum price for the sale or delivery of rough rice grown in the State of California. (a) The maximum price for the sale and delivery of rough rice grown in California, per one hundred pounds, base quality, bulk, containing not over 15 percent moisture, shall be as follows:

(1) At the basing points of San Francisco, California, or Imperial, California.

Varieties:	Maximum price for base quality per 100 pounds
California Pearl.....	\$3.57
Calady.....	3.64
Blue Rose.....	3.57
All other varieties.....	3.57
Mixed rough rice.....	(¹)

¹ Multiply the percentage of each variety contained in the mixture by its respective maximum price as set forth and total the results.

(2) At any country shipping point: the maximum price at the basing points less transportation charges from the

country shipping point in question to Imperial or San Francisco, whichever is lower.

(3) At any point of production: the maximum price at the country shipping point nearest thereto (by the most usually traveled route) less transportation charges from said point of production to said country shipping point by a usual route and method of transportation.

(b) The foregoing maximum prices specified in paragraph (a) of this section shall be decreased by 5 cents per 100 pounds for each 1 percent (or fraction thereof) of moisture content in the lot over 15 percent and not over 17 percent, and by 15 cents per 100 pounds for each 1 percent (or fraction thereof) of moisture content in the lot over 17 percent.

(c) The foregoing maximum prices specified in paragraphs (a) and (b) of this section shall be altered as follows:

(1) Increased 1.62 cents per hundred pounds for each 1 pound of whole kernels and 3.1 cents per 100 pounds for each 1 pound total milled rice (all classes) which any lot is appraised to yield above the base quality.

(2) Decreased 1.62 cents per 100 pounds for each 1 pound of whole kernels and 3.1 cents per 100 pounds for each 1 pound total milled rice (all classes) which any lot is appraised to yield less than base quality.

Sec. 6. Imported rough rice. The maximum price for the sale and delivery of any imported rough rice shall be calculated as if the port of entry were the country shipping point.

Sec. 7. Increases for sacks. When any person sells any rough rice, sacked and has furnished the sacks, the maximum price per bushel, barrel or 100 pounds (excluding the weight of the sacks) shall be the maximum price for a like sale of rough rice, bulk, plus the reasonable value (not exceeding any maximum price established thereon) of the sacks actually furnished by the seller.

Sec. 8. Actual weight at time of delivery governs. The actual net weight of the lot of rough rice at the time of the delivery thereof to each purchaser shall govern in determining the appropriate maximum price for each sale under section 4 or 5 hereof.

Sec. 9. Decreases for charges or services. (a) Whenever the purchaser of any lot of rough rice assumes or agrees to pay for storage, warehousing or other services or whenever any person has actually furnished any such services with or without making a specific charge for the same or whenever any purchaser has performed or will perform any such services in connection with the lot of rough rice in question, the maximum price for the sale as established in section 4 or 5 hereof shall be reduced by the amount assumed or paid or by the reasonable value of such services as the case may be.

(b) Whenever the purchaser of any lot of rough rice has performed or will be forced to perform any services in connection with the growing or harvesting thereof or in connection with the loading thereof onto transportation facilities for ready shipment from the point of deliv-

ery to him the maximum price for the sale as established in sections 4 or 5 hereof shall be reduced by the reasonable value of all such services.

SEC. 10. Evasion. The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to rough rice alone or in conjunction with any other commodity or by way of commission, service, transportation, storage, or other charge or discount, premium or other privilege or by tying agreement or other trade understanding or by any other means.

SEC. 11. Maximum prices for export sales. The maximum prices for export sales of rough rice shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.¹

SEC. 12. Records and reports. Every person shall keep for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect a complete record of each sale or purchase subject thereto showing the date thereof, the names and addresses of the buyer and seller, the contract price, the price paid or received, the quantity and variety of the rough rice sold or purchased, and the county or parish where grown.²

Such sellers and purchasers shall submit such records to the Office of Price Administration and keep such other records in addition thereto as the Office of Price Administration may from time to time direct.³

SEC. 13. Sales of rough rice for use only as seed for planting. (a) Within 10 days after each sale to or by a rice mill or agent thereof of any lot of rough rice for use or resale only as seed for planting, the seller shall deliver to the nearest district or state office of the Office of Price Administration a copy of the invoice of sale showing the quantity sold, the price paid, the name and address of the seller and the buyer, the county or parish where grown, and the place of sale. Said invoice shall also contain a statement signed by the buyer and reading as follows:

As required by MPR 518, I have agreed to buy and you have agreed to sell ___ pounds of rough rice for use or resale only as seed for planting and not for human consumption or any other purpose.

(b) Any rice mill or agent thereof who has purchased a lot of rough rice for use or resale only as seed for planting may file a written application with the Rice and Seeds Unit of the Office of Price Administration at Washington, D. C., after July 1st next following such purchase for the permission to mill the same for use for human consumption. Good cause appearing, such application may be granted by order, letter or telegram: *Provided*, That any sale of finished rice or of rice

¹ 8 F.R. 4132.

² The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

³ Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

milling by-products produced from such rough rice shall be sold only under and subject to the provisions of Revised Maximum Price Regulation 150, as amended, governing such sales.

SEC. 14. Enforcement. Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 15. Protests and petitions. Any person desiring to file a protest against, or seeking an amendment of any provision of this regulation may do so in accordance with Revised Procedural Regulation No. 1.

SEC. 16. Licensing. The provisions of licensing Order No. 1⁴ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

This regulation shall become effective April 15, 1944.

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

Approved: February 26, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-3271; Filed, March 7, 1944;
12:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 100]

SUBSTITUTE SOLE LEATHER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation 14 is amended in the following respects:

1. Section 3.8 (a) (1) (i) is amended by inserting after the words "maximum price of the original shoe" the words "to the seller's most favored class of purchasers."

2. Section 3.8 (a) (1) (ii) is amended by deleting the word "appropriate" in the first sentence thereof and adding to such sentence the words "for the district in which his main office is located."

3. Section 3.8 (a) (2) (i) (b) is amended by inserting after the words "maximum selling price" the words "to the seller's most favored class of purchasers."

4. Section 3.8 (a) (2) (ii) is amended by deleting the word "appropriate" in the first sentence thereof, inserting after the words "Office of Price Administration" the words "for the district in which

*Copies may be obtained from the Office of Price Administration.

⁴ 8 F.R. 13240.

his main office is located" and by correcting the number "655-502" to "665-502."

5. Section 3.8 (a) (3) (i) is amended by deleting the last sentence thereof.

6. Section 3.8 (a) (3) (ii) is amended by correcting the number "655-502" to "665-502" and by amending the last paragraph to read as follows:

Footwear for which a maximum price is proposed under this paragraph (a) (3) may not be sold (except as provided in § 1499.20 (r) of the General Maximum Price Regulation) until that price has been approved by the Regional Administrator or District Director so authorized by his Regional Administrator, but the proposed price shall be deemed to be approved 20 days after mailing the application (or all additional information which may have been requested) unless, within that time the seller is notified that his proposed price has been disapproved.

7. Section 3.8(a) (4) is amended to read as follows:

(4) The Price Administrator or any Regional Administrator, or any District Director so authorized by his Regional Administrator, may at any time approve, disapprove or revise the maximum prices reported, proposed or established under this section 3.8 so as to bring them in line with the level of maximum prices otherwise established by this section 3.8. If a reported or proposed price is disapproved the seller may not sell, offer for sale or deliver the footwear until a maximum price has been established under this section 3.8.

8. Section 3.8(d) (6) is amended by inserting in the second sentence thereof after the words "direct labor cost" the words "shall not include make up or overtime pay and".

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective March 13, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3273; Filed, March 7, 1944;
12:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 101]

AMERICAN SPECIALTY CO.

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respect:

Section 6.43 is added to read as follows:

SEC. 6.43 Maximum prices for resale of an insecticide sprayer manufactured by the American Specialty Company of Amherst, Ohio—(a) Scope of this section. This section fixes maximum prices for resale by Gulf Oil Corporation, its jobbers and retailers of a new insecticide sprayer designated as "Gulf Sprayer" and manufactured by the American Specialty Company, Amherst, Ohio. It covers only the sprayer described in an application filed September 13, 1943, and filed by the American Specialty Company pursuant to Maximum Price Regulation No. 188.

(b) Maximum prices. (1) For sales by the Gulf Oil Corporation, Gulf Building, Pittsburgh, Pennsylvania, the maximum prices for sales of the insecticide sprayer are those set forth below:

	Per unit
For sales at retail	\$0.55
For sales to retailers in less than $\frac{1}{2}$ gross lots	\$4.58
For sales to retailers in lots of $\frac{1}{2}$ gross to 1 gross	4.34
For sales to retailers in lots over 1 gross and less than 2 gross	4.10
For sales to retailers in lots of 2 gross and over	3.86
For sales to jobbers, minimum sale of 1 gross	3.86

(2) For sales of the "Gulf Sprayer" by jobbers to retailers, the maximum price is \$4.82 per dozen.

(3) For sales of the "Gulf Sprayer" at retail, the maximum price is \$0.55 per unit.

(c) Tagging. To every insecticide sprayer shipped to a purchaser for resale, Gulf Oil Corporation shall attach a tag or label which plainly states the retail ceiling price.

(d) Notification. At the time of the first invoice on and after March 13, 1944, Gulf Oil Corporation shall notify in writing each jobber and retailer and each jobber shall notify in writing each retailer who purchases from them of the maximum prices established by this amendment for resales of the sprayer by the purchaser. This written notice may be given in any convenient form.

This amendment shall become effective on the 13th day of March 1944.

(56 Stat. 23, 765, Pub. Law 151; 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3272; Filed, March 7, 1944;
12 m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373; Amdt. 41]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amend-

¹ 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11487, 11849, 12299, 12708, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. The prices contained in the table following section 39 (a) (1) for $\frac{1}{16}$ " to $\frac{1}{8}$ " natural, 2-tone and bleached Lauhala purses in sizes 16" or 17"; 14" or 15"; and 12" or 13", are amended to read as follows:

Weave	Sizes		
	16" or 17"	14" or 15"	12" or 13"
$\frac{1}{16}$ "- $\frac{1}{16}$ " Natural	\$2.75	\$2.62	\$2.49
$\frac{1}{16}$ "- $\frac{1}{16}$ " 2-tone	3.54	3.38	3.18
$\frac{1}{16}$ "- $\frac{1}{8}$ " Bleached	3.89	3.61	3.41

2. The table following section 39 (a) (2) (ii) is amended by adding a new item to read as follows:

Lauhala lining and zipper	Sizes		
	16" or 17"	14" or 15"	12" or 13"
	\$1.25	\$1.25	\$1.15

3. The table following section 39 (e) (1) is amended by adding a new item and a new definition to read as follows:

White, bleached, wide, extra long, 6¢ each.
"Extra long" means a leaf 42" or more in length.

4. Section 41a Table A is amended to read as follows:

TABLE A—SPECIFIC MARKUPS FOR CERTAIN GROCERY ITEMS

Item	Wholesale unit	Maximum wholesale markup over landed cost per unit	Notification prices per case	
			Upper	Lower
Evaporated milk ¹	48/1 cans	\$0.25		
Flour, ¹ family	98-100 lbs	.30		
Flour, ¹ family	49-50 lbs	.15		
Flour, ¹ family	1 lb	.003		
Rice, ¹ FSAC	100 lbs	.25		
Rice, ¹ FSAC	1 lb	.0025		
<i>Soups</i>				
Campbell's Old Style Soups:				
Chicken	48/1 cans	.51	\$6.05	\$5.57
Bouillon	48/1 cans	.51	6.05	5.57
Consomme	48/1 cans	.51	6.05	5.57
Vegetable	48/1 cans	.45	5.43	4.99
Pea	48/1 cans	.44	5.22	4.80
Cream of Potato	48/1 cans	.44	5.22	4.80
Vegetable-Beef	48/1 cans	.44	5.22	4.80
Beef	48/1 cans	.44	5.22	4.80
Black bean	48/1 cans	.44	5.22	4.80
Assorted	48/1 cans	.44	5.22	4.80
Chicken-noodle	48/1 cans	.44	5.22	4.80
Asparagus	48/1 cans	.44	5.22	4.80
Celery	48/1 cans	.44	5.22	4.80
Clam Chowder	48/1 cans	.44	5.22	4.80
Mock Turtle	48/1 cans	.44	5.22	4.80
Oxtail	48/1 cans	.44	5.22	4.80
Pepper pot	48/1 cans	.44	5.22	4.80
Tomato	48/1 cans	.34	4.17	3.84
Campbell's New Formula Condensed Soups:				
Chicken	48/1 cans	.68	8.14	7.49
Vegetable-Beef	48/1 cans	.62	7.51	6.91
Beef	48/1 cans	.62	7.51	6.91
Bouillon	48/1 cans	.62	7.51	6.91
Consomme	48/1 cans	.62	7.51	6.91
Chicken Gumbo	48/1 cans	.62	7.51	6.91
Chicken Noodle	48/1 cans	.61	7.30	6.72
Clam Chowder	48/1 cans	.50	6.05	5.57
Mock Turtle	48/1 cans	.50	6.05	5.57
Oxtail	48/1 cans	.50	6.05	5.57
Pepper Pot	48/1 cans	.50	6.05	5.57
Scotch Broth	48/1 cans	.50	6.05	5.57
Vegetarian-Vegetable	48/1 cans	.50	6.05	5.57
Consomme Madrilene	48/1 cans	.50	6.05	5.57
Vegetable	48/1 cans	.50	6.05	5.57
Tomato	48/1 cans	.38	4.59	4.22
Van Camp's Soups:				
Vegetable	24/300 tall cans	.26	3.03	2.78
Tomato	24/300 tall cans	.22	2.71	2.50
Asparagus	48/1 cans	.32	3.76	3.46
Sugar, locally ¹ produced granulated	100 lbs	.20		
Sugar locally ¹ produced granulated	1 lb	.002		

¹ Items applicable to sales to retail grocery stores only.

NOTE: This Table A applies only to wholesalers located on the Island of Oahu. These wholesalers must use these markups if the item being priced is contained herein. If not, they must then use the division factor in Table B.

The wholesaler shall notify the Office of Price Administration whenever a sale to a retailer is made at a price above or below the "notification prices per case" set forth below upon Form OPA-G-1.

5. Section 41a, Table B, Item No. 4, is amended to read as follows:

4. Canned juices:	Division factor
Tomato juice, FSAC, all sizes (when sold to retail grocery stores only)	0.91
All other canned juices	.87

6. Section 49 is amended to read as follows:

SEC. 49. Maximum prices for taro and poi—(a) What this section covers.

*Copies may be obtained from the Office of Price Administration.

FEDERAL REGISTER, Thursday, March 9, 1944

This section fixes ceiling prices for all sales of wetland taro, poi and ready-mixed poi.

(b) *Ceiling prices for sales of wetland taro.* (1) The ceiling prices for sales of wetland taro which has been pulled, sacked in sacks furnished by the buyer, and delivered at roadside, shall be:

	Oahu	Other Islands
Grade A Taro, per pound.....	Cents 3.6	Cents 3.35
Marketable Quality Taro, per pound.....	2.4	2.15

(2) The ceiling prices for all other sales of wetland taro shall be established by order of the Office of Price Administration upon written application of the seller to the Office of Price Administration, Iolani Palace, Honolulu 2, T. H.

(c) *Ceiling prices for sales of poi by producer-wholesalers and retailers.* (1) The ceiling prices for sales of poi by producer-wholesalers and retailers shall be:

	Wholesalers		Retailers	
	Oahu	Other Islands	Oahu	Other Islands
Per pound...	Cents 11	Cents 8	Cents 13	Cents 10

Wholesalers may add 1 1/4% to the ceiling prices listed above on sales to buyers who do not have a gross income license.

(2) The ceiling prices for all other sales of poi shall be established by order of the Office of Price Administration upon written application of the seller to the Office of Price Administration, Iolani Palace, Honolulu 2, T. H.

(d) *Ceiling prices for sales of ready-mixed poi.* (1) The ceiling prices for sales of ready-mixed poi shall be:

	Oahu	Other islands
Per pound.....	Cents 9	Cents 6

(e) *Definitions.* When used in this section, the terms:

(1) "Grade A taro" means taro suitable for poi manufacture which meets the specifications set forth under the title, "Suggested Hawaiian Grades on Taro for Poi Manufacture" in Agricultural Circular #156 Revised November 15, 1943, prepared by Agricultural Economics Division, Agricultural Extension Service, University of Hawaii.

(2) "Marketable quality taro" means any taro suitable for poi manufacture that does not meet the specifications of Grade A Taro.

(3) "Poi" means the unadulterated product of the edible taro root made into a paste, which shall contain not less than 30 per cent of total solids.

(4) "Ready-mixed poi" means strained poi mixed with water and containing not less than 18 per cent of total solids.

(f) *Records and invoices.* In addition to the records required by the provisions

of section 10 of this Maximum Price Regulation No. 373, sellers making sales covered by this section other than at retail shall at the time of delivery furnish the buyer with an invoice or sales memorandum showing the name and address of the seller and buyer, the kind, quantity and grade of the commodity sold and the price charged or received therefor.

7. Section 56 (a) and (b) are amended to read as follows:

(a) *What products are covered.* This section covers sales out of distribution yard stock of any lumber or shingles for which "direct mill" maximum prices are fixed in the following maximum price regulations as amended or revised:

Douglas Fir and other West Coast Lumber—Rev. MPR 26

Western Pine and Associated Species of Lumber—MPR 94

Red Cedar Shingles—MPR 164

Redwood Lumber—MPR 253

Sitka Spruce—MPR 290

Western Red Cedar—MPR 402.

This section sets maximum prices which are based upon the price definitions contained in the above "direct mill" regulations. Every dealer affected by this section should, therefore, secure copies of the above regulations for use in connection with this section. Any amendments or revisions subsequently issued to the above regulations shall become effective in the Territory of Hawaii sixty days after the effective date set forth in any such amendment or revision.

(b) *What a distribution yard is.* (1) A "distribution yard" is a wholesale or retail yard which gets lumber from mills or other yards; unloads, sorts, stores and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which is equipped to make quick deliveries of different items of lumber and which has been located at its particular site in order to be near a lumber consuming area.

(2) Any wholesale or retail distributor, of softwood covered by this section, who does not maintain a "yard" but who performs any of the operations outlined in subparagraph (1) above, or who sells to his customers on a drop shipment basis, shall be considered to be operating a "distribution yard" for the purposes of this section.

This amendment shall become effective as follows:

(a) As to section 39, as of January 17, 1944.

(b) As to section 41a, as of December 6, 1943.

(c) As to section 49, as of January 27, 1944.

(d) As to section 56, as of January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3274; Filed, March 7, 1944;
12:02 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373; Amdt. 42]

MAXIMUM PRICES IN THE TERRITORY OF
HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. The table following section 21 (c) (1) is amended by changing the prices of "Carrots", "Onions", "Celery"; by deleting the items "Potatoes: U. S. #1" and "Potatoes: Rivers"; and by adding "Cauliflower" and a new type "Potatoes" to read as follows:

	Wholesale maximum price	Retail maximum price
Carrots.....	\$3.35 per 50 lb. crate.	.00 10
	\$6.70 per 100 lb. crate.....	.10
Onions, dry all colors.....	\$3.65 per 50 lb. bag.....	.10
Celery.....	\$7.15 per crate.....	.18
Cauliflower.....	\$10.40 per crate.....	.24
Potatoes: Gems, U. S. #1.....	\$4.85 per 100 lb. bag.....	.07

2. The table following section 21 (d) (1) is amended by deleting the column headed "Special institutional maximum prices"; by changing the wholesale maximum price of Grapefruit, all sizes, from "\$4.60 per box" to "\$4.65 per box"; by deleting the item "Pears: Comice"; by deleting the item "Cranberries"; and by changing the prices of "Oranges" and certain types of "Apples" to read as follows:

	Wholesale maximum price	Retail maximum price
Oranges: 100's.....	Per box \$5.95	Per doz. .00 95
126's.....	5.95	.75
150's.....	5.95	.63
170's.....	5.85	.53
200's.....	5.75	.46
220's.....	5.45	.40
252's.....	5.20	.33
288's.....	5.10	.28
344's.....	5.10	.23
392's.....	5.10	.21
Apples: California Newton Pippin.....	5.20	.16
Northwest Newton Pippin.....	5.20	.16
Winesaps.....	5.30	.16
Arkansas Black.....	5.20	.16

3. Section 42 (b) (1) is amended by changing the prices of "Brandies" to read as follows:

Brandies:	Maximum price per drink
Imported.....	\$0.40
Domestic.....	0.30

4. Section 42 (c) is amended by changing the price of one item to read as follows:

Mixed drinks containing not less than one ounce imported brandy.....	Maximum price per drink
.....	\$0.40

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393.

5. Section 63 is added to read as follows:

SEC. 63. Maximum prices for bamboo rakes. (a) The maximum prices for bamboo rakes manufactured in the Territory of Hawaii shall be:

Manufacturer's maximum price	Maximum wholesale price	Maximum retail price
Bamboo rakes: Island of Oahu only, \$0.75—	\$0.85	\$0.95
All other Islands, \$0.70—	.78	.85

This amendment shall become effective as follows:

- (a) As to section 21, as of February 1, 1944.
- (b) As to section 42, as of December 13, 1943.
- (c) As to section 63, as of January 31, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3275; Filed, March 7, 1944;
12:02 p. m.]

PART 1316—COTTON TEXTILES

[MPR 11, Incl. 1 mdt. 14]

FINE COTTON GOODS

Section 1316.4 (d) Table I, "Dotted Swiss," is amended by Amendment 14, effective March 13, 1944, so that Maximum Price Regulation 11 shall read as follows:

So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation. In the judgment of the Price Administrator, the maximum prices established by this maximum price regulation are, and will be, generally fair and equitable, and comply with the requirements of section 3 and the other requirements of the Emergency Price Control Act of 1942, as amended, and will effectuate the purpose of said Act.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 11 has been issued simultaneously herewith and filed with the Division of the Federal Register.¹

Such specifications and standards as are used in this regulation or schedule were, prior to such use, in general use in the trade or industry affected.

[Preamble as amended by Supplementary Order No. 71, 8 F.R. 12556, effective 9-11-43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1² issued by the

Office of Price Administration, Maximum Price Regulation No. 11 is hereby issued.

Sec.

- 1316.1 Prohibition against dealing in fine cotton goods at prices above the maximum.
- 1316.2 Less than maximum prices.
- 1316.3 To what transactions, fabrics and persons this Regulation applies, and the relation to other Regulations.
- 1316.4 Maximum prices.
- 1316.5 What the contracts of sale and invoices must contain.
- 1316.6 Prohibited practices.
- 1316.7 Applications for adjustment or petitions for amendment.
- 1316.8 Records and reports.
- 1316.9 Enforcement.
- 1316.9a Licensing.
- 1316.10 Effective date.

AUTHORITY: §§ 1316.1 to 1316.10, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1316.1 *Prohibition against dealing in fine cotton goods at prices above the maximum.* Except as provided in § 1316.3 (a) no person shall sell or deliver and no person in the course of trade or business shall buy or receive any fabrics covered by this regulation at prices higher than the maximum prices fixed herein, and no person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1316.2 *Less than maximum prices.* Prices lower than the maximum prices set by this regulation may be charged, demanded, paid or offered.

§ 1316.3 *To what transactions, fabrics and persons this regulation applies, and the relation to other regulations—*

(a) *What transactions are covered and the relation to other regulations.* (1) This regulation covers all sales and deliveries of fabrics listed in paragraph (b) below other than (i) any sale or delivery which is covered by the Revised Maximum Export Price Regulation;³ and (ii) sales or deliveries made by a wholesaler, jobber or retailer in the performance of a recognized distributive function. A sale or delivery performs a "recognized distributive function" only if it advances the goods sold to the next stage of distribution. It follows that sales by any person to a converter or finisher, by one jobber to a competitive jobber, and by one manufacturer of commodities from cloth to another are covered by the regulation.

(2) Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation⁴ or to Maximum Price Regulation No. 157.⁵

(b) *What fabrics are covered.* This regulation covers:

(1) Any grey and colored-yarn fabric, (i) made wholly of combed cotton yarns; (ii) made of combed and carded cotton yarns and so constructed that either the warp or the filling consists wholly of combed yarn and/or 50 per cent or more of its total weight content is composed of combed cotton yarns; or (iii) made of

¹ 8 F.R. 361.

² Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

³ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

⁴ 2d Revision: 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1026.

⁵ 9 F.R. 1385.

⁶ 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424; 8 F.R. 3948, 7507, 15609, 16605, 17374.

rayon⁷ and cotton and so constructed that the fabric contains some combed cotton yarn, except:

[Subparagraph (1) as amended Am. 7, 8 F.R. 8937, effective 7-3-43]

(a) Fabrics covered by Revised Price Schedule No. 23 as amended;⁸

(b) Checked fabrics (other than marquises) made on a box loom and containing colored yarn elsewhere than in the selvage.

[Subparagraph (b) as amended by Am. 7, 8 F.R. 8937, effective 7-3-43]

(c) Cross-bordered handkerchief cloth;

(d) Twills;

(e) [Revoked]

[Subparagraph (e) revoked by Am. 7]

(f) Balloon cloth;

(g) [Revoked]

[Subparagraph (g) revoked by Am. 7]

(h) Fabrics made on a jacquard loom containing colored yarn elsewhere than in the selvage.

[Subparagraph (h) added by Am. 7]

(2) Grey sateens made in whole or in part of combed cotton yarn; and

(3) Unfinished box-loom clip-spot marquises and beat-up marquises made of combed or carded cotton yarn or any combination thereof.

[Paragraph (b) amended by Am. 1, 8 F.R. 2206, effective 2-24-43 and as otherwise noted]

(c) *What persons are covered.* This regulation covers all persons, including individuals, corporations, partnerships, associations and any other organized groups; their agents or legal successors; the United States, any government and any agencies or political subdivisions thereof.

§ 1316.4 *Maximum prices.* (a) The maximum prices established herein are prices f. o. b. the seller's point of shipment, net ten days.

(b) For seconds, short lengths and remnants of any fabric subject to the maximum prices set in this regulation, the maximum prices shall be discounted as follows:

Seconds, shorts and remnants:	Discount (Percent)
20 to 40 yards	10
10 to 20 yards	25
1 to 10 yards	50
Seconds:	
40 yards and over	5

"Rayon" means fibers chemically produced from cellulose or with a cellulose base by the viscose, acetate or cuprammonium process.

The following fabrics are covered by Revised Price Schedule No. 23 (7 F.R. 2899, 2966, 2945, 3242, 3481, 6771, 8948): Any fabric so constructed that 80% or more of its ends by count in the warp shall consist of rayon; any fabric so constructed that 80% or more of its picks by count in the filling shall consist of rayon; any fabric constructed with a plied yarn in the warp and the filling where one of the threads in the plied yarn used in the warp and the filling is rayon yarn, even though the total weight content of the rayon is less than 50% of the total weight of the fabric; and any fabric so constructed that 50% or more of its total weight content is composed of rayon except for fabrics containing 25% or more of wool that are woven on a woolen loom.

(c) In addition to the maximum prices set forth in Table I, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to any fabric which, in its basic construction, is normally manufactured by means of the process on which such premium is predicated.

Premium

(cents per yd.)

Name of manufacturing process

Weaves requiring dobby loom:

Weaves requiring 16 harnesses or less 1/4

Weaves requiring more than 16 harnesses 1/2

Fancy draw:

For ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as one), reverse-twist, wrap stripes, or any other novelty draw, or for any combination of the above.

1/2

Each extra beam

1/2

Hard twist:

Wrap yarn where turns per inch equal 5 1/4 or more times the square root of yarn size.

1/2

Filling yarn where turns per inch equal 4 3/4 or more times the square root of yarn size.

1/2

Clipping

1

¹ If a premium is charged for dobby weave, no premium may be charged for fancy draw.

(d) The maximum prices are as follows:

TABLE I—TYPE AND CONSTRUCTION OF CLOTH

Ref. No.	Combed broadcloth	Cents per yd.
AA 1 37"	128 x 64 4.00 (slub filled)	19.59
AA 2 37"	128 x 68 4.20	19.34
AA 3 37"	136 x 60 4.00	19.10
AA 4 37"	136 x 72 3.85 (White dobby)	24.16
AA 5 37"	144 x 72 2.98 (Windbreaker)	27.30
AA 6 37"	144 x 76 4.20	20.74
AA 7 37"	144 x 76 3.74 (Windbreaker)	23.11
AA 8 38"	144 x 76 3.90 (Foreign Pima)	44.92
AA 9 38"	144 x 76 3.90 (American Pima)	48.31
AA 10 63"	144 x 76 2.85 (Foreign Pima)	63.61
AA 11 63"	144 x 76 2.85 (American Pima)	68.20
AA 12 37"	144 x 80 2.85 (Windbreaker)	28.94
AA 13 37"	152 x 80 4.20	22.11
AA 14 37"	164 x 84 3.90	23.75
AA 15 37"	120 x 60 3.90 (ply yarn)	33.44

Latuns

AB 1 39"	68 x 55 11.00	9.83
AB 2 39"	68 x 72 10.00	11.10
AB 3 36"	72 x 58 10.00	9.91
AB 4 40"	72 x 68 9.50	11.68
AB 5 40"	74 x 72 7.11 (Roving Cord Stripe)	15.30
AB 6 26"	76 x 72 10.00	11.15
AB 7 36"	76 x 72 7.75	12.06
AB 8 40"	76 x 72 9.65	12.38
AB 9 40"	76 x 72 9.00	12.18
AB 10 45"	76 x 72 8.00	14.26
AB 11 40"	80 x 50 5.40	16.23
AB 12 43"	80 x 80 3.20 (Gas Mask)	22.75
AB 13 35"	80 x 88 5.00	17.51
AB 14 39"	80 x 88 4.08	18.50
AB 15 40"	80 x 92 3.80 (Gas Mask)	21.85
AB 16 43"	80 x 92 3.50 (Gas Mask)	23.61
AB 17 36"	88 x 80 9.50	12.62
AB 18 40"	88 x 80 11.30	17.77
AB 19 40"	88 x 80 8.50	13.84

¹ Fabrics shall be subject to the yardage prices set forth in Tables I and II, rather than to the poundage prices set forth in Table III, unless they are over 4 per cent lighter or over 6 per cent heavier than the weights specified. Except that for marquises and beat-up marquises the appropriate yardage price shall apply to all weights of each construction specified.

The maximum prices set forth in Table I shall apply only to fabrics made wholly of combed cotton yarn unless otherwise specified.

For a fabric the same as one of those listed in Table I except for a difference in width not exceeding two inches and a consequent proportionate difference in weight, the maximum price shall be the price shown in Table I adjusted in the ratio which the width of one fabric bears to the other.

The maximum price for 37" 136 x 60, 4.00 to 4.20 combed broadcloth on subcontracts entered into prior to January 13, 1943 under Army Invitation No. 669-43, Negotiated 161, dated November 28, 1942 is 19.00 cents per yard.

TABLE I—TYPE AND CONSTRUCTION OF CLOTH—Continued

Ref. No.	Latuns—Continued	Cents per yd.
AB 20 40"	88 x 80 6.00	14.66
AB 21 46"	88 x 80 6.00	15.35
AB 22 44"	88 x 80 7.15	15.93
AB 23 45"	88 x 80 7.50	16.18
AB 24 40 1/2"	94 x 90 8.85	20.45
AB 25 37 1/2"	96 x 72 8.25 (Shadow)	13.54
AB 26 37 1/2"	96 x 92 5.50	16.53
AB 27 40"	96 x 92 7.50	16.51
AB 28 36"	96 x 100 7.05	16.21
AB 29 38"	96 x 100 4.00	20.69
AB 30 39"	96 x 100 5.90	18.03
AB 31 39"	96 x 100 6.00	19.20
AB 32 39"	96 x 100 4.10	21.40
AB 33 40"	96 x 100 9.00 (Pima)	21.22
AB 34 40"	96 x 100 9.00 (Foreign Pima)	19.62
AB 35 40"	96 x 100 6.75	18.01
AB 36 40"	96 x 100 3.97	22.05
AB 37 44"	96 x 100 4.40	21.96
AB 38 39"	96 x 108 6.00	19.25
AB 39 40"	108 x 112 6.40	19.01
AB 40 39"	108 x 124 5.24	24.30
AB 41 39"	110 x 128 6.40 (Pima Warp)	29.71
AB 42 39"	116 x 144 6.21 (Pima Warp)	31.22

Dimities

AC 1 36"	96/64 x 68 9.00	12.06
AC 2 36 1/2"	116/76 x 76 8.00	14.16
AC 3 36 1/2"	114/76 x 64 7.60	12.87
AC 4 40 1/2"	90/64 x 72 7.55	13.34
AC 5 38"	94/64 x 68 6.80	13.34
AC 6 45"	94 x 68 6.87 (Stripe)	14.32

Dimity Checks

AD 1 37 1/2"	54 x 44 10.40	8.57
AD 2 36 1/2"	76 x 72 8.30	11.87
AD 3 36 1/2"	73 x 64 9.40	11.15
AD 4 36 1/2"	90 x 89 8.10	13.57
AD 5 36 1/2"	88 x 62 7.95	14.02

Pique

AE 1 38"	150/170 x 100 3.50	29.99
AE 2 38"	108 x 124 2.63 (Birdseye-Box Loom)	42.50
AE 3 38"	108 x 136 2.67 (Birdseye)	47.50
AE 4 39"	108 x 52 6.05 (Voile)	14.65
AE 5 40"	116 x 56 5.52 (Voile)	16.03

Pongee

AF 1 38"	72 x 100 6.25	16.52
AF 2 34"	68 x 92 7.15	13.98

Voiles

AG 1 37 1/2"	60 x 44 12.50 (Drop check)	8.04
AG 2 37 1/2"	56 x 42 11.15 (Check voile)	8.45
AG 3 40"	74 x 56 10.00 (Drop check)	10.64
AG 4 39"	60 x 52 9.00 (Slack Twist)	10.25
AG 5 39"	60 x 48 9.10 (Slack Twist)	9.79
AG 6 38"	60 x 48 9.80	9.15
AG 7 40"	68 x 76 9.20 (Foreign Pima)	16.30
AG 8 40"	68 x 76 9.20 (American Pima)	17.83

Marquises

AH 1 40"	26 x 14 6.50 (Ply Yarn)	13.71
AH 2 40"	26 x 14 5.20 (Ply Yarn)	17.27
AH 3 40"	42 x 20 4.80	13.62
AH 4 40"	42 x 20 3.98	16.84
AH 5 38 1/2"	44 x 18 12.15	6.73
AH 6 39"	44 x 22 11.15	7.37
AH 7 39 1/2"	46 x 20 10.75	7.49
AH 8 39 1/2"	48 x 22 10.00	7.93
AH 9 39 1/2"	48 x 24 9.75	8.31
AH 10 39 1/2"	48 x 28 9.60	8.68
AH 11 39 1/2"	48 x 32 9.40	9.26
AH 12 40"	48 x 28 8.00	10.76
AH 13 49"	48 x 32 7.60	11.47
AH 14 39 1/2"	52 x 30 11.15	9.22
AH 15 49"	52 x 30 9.00	10.68
AH 16 48"	54 x 30 9.15	10.87
AH 17 39 1/2"	60 x 34 9.65	10.62
AH 18 49"	60 x 34 8.40	11.77
AH 19 40"	52 x 32 9.60 (Ply Filling)	16.32
AH 20 50"	52 x 32 7.60 (Ply Filling)	19.85
AH 21 34 1/2"	44 x 23/25 19 11.75 (Figure Rayon filling)	8.27

Scrim

AI 1 40"	38/80 x 36 5.41	22.10
AI 2 50"	38/80 x 36 4.34	27.38

Fine Combed Plains

AJ 1 50"	22 x 20 20.70	4.95
AJ 2 52"	28 x 24 20.00	5.87
AJ 3 52"	28 x 24 14.65	6.34
AJ 4 36"	60 x 48 10.00	8.80
AJ 5 54"	96 x 96 3.97 (for industrial use)	33.23

Organie

AK 1 40"	84 x 80 11.00 (Peeler)	17.00
AK 2 40"	84 x 80 10.75 (Foreign Pima)	17.25
AK 3 40"	84 x 80 10.75 (Pima)	18.25

TABLE I—TYPE AND CONSTRUCTION OF CLOTH—Continued

Ref. No.	Organie—Continued	Cents per yd.
AK 4 45"	84 x 68 10.50 (Peeler)	18.00
AK 5 45"	84 x 68 10.25 (Foreign Pima)	18.25
AK 6 45"	84 x 68 10.25 (Pima)	19.25
AK 7 45"	84 x 80 9.75 (Peeler)	19.75
AK 8 45"	84 x 80 9.50 (Foreign Pima)	20.00
AK 9 45"	84 x 80 9.50 (Pima)	21.00
AK 10 40"	88 x 80 10.90 (Mule Spun Fill)	20.50
AK 11 40"	80 x 84 9.12 (Foreign Pima)	18.96
AK 12 40"	84 x 84 9.12 (Pima)	20.12

Typewriter Cloth

AL 1 40"	154 x 168 5.98	51.03
AL 2 40"	144 x 156-158 5.27 (Pima)	50.61
AL 3 38"	130 x 142 4.99 (Pima Warp)	33.42
AL 4 40"	124 x 128 5.10 (Pima Warp)	32.01

Umbrella Cloth

AM 1 26"	8

TABLE I—TYPE AND CONSTRUCTION OF CLOTH—Continued

Ref. No.	Aeroplane Merc Ply Yarns	Cents per yd.
AT 1 30½" 80 x 84 4.00 (American Pima)	45.90	
AT 2 42½" 80 x 84 3.48 (American Pima)	62.85	
AT 3 61" 80 x 86 2.20 (American Pima)	75.37	
<i>Aeroplane (Single Yarn)</i>		
AU 1 40" 104 x 100 4.35 (American Pima)	34.00	
AU 2 40½" 80 x 86 3.85 (American Pima)	30.60	
<i>Dotted Swiss</i>		
AV 1 36" 72 x 54/65 6.98 unclipped weight (box loom)	18.26	
AV 2 36" 70 x 50/88 7.43 unclipped weight (single shuttle)	20.82	
AV 3 36" 60 x 48/78 9.13 unclipped weight (single shuttle)	17.84	
AV 4 36" 68 x 46/98 7.50 unclipped weight (single shuttle)	21.36	
[Table on Dotted Swiss as amended by Am. 14, effective 3-13-44]		
<i>Broadcloth (Jacquard)</i>		
AW 1 37" 144 x 76 4.15	31.02	
AW 2 37" 144 x 72 3.63	32.67	
<i>Decating Apron Cloth</i>		
AX 1 75" 62 x 190 80 (Ply Carded Warp)	177.25	
AX 2 64" 62 x 190 1.20 (Ply Carded Warp)	152.25	
AX 3 77" 78 x 120 .82 (Ply Warp)	150.58	
AX 4 74" 80 x 172 .92 (Ply Warp)	168.85	
AX 5 73" 126 x 116 1.64 (Ply Warp)	151.06	
AX 6 75" 226 x 152 .63 (Ply Warp)	268.09	
AX 7 77" 78 x 172 .92 (Ply Warp)	171.51	
<i>Decating Cloth</i>		
AY 1 75" 62 x 168 .70 (Ply Carded Warp)	175.00	
AY 2 76" 73 x 66 .50 (Ply Warp)	147.50	
AY 3 75" 80 x 180 .90 (Ply Warp)	170.50	
AY 4 75" 100 x 76 .70 (Merc. Warp)	144.00	
AY 5 75" 160 x 110 1.40 (Ply Warp)	139.00	
AY 6 75" 213 x 165 .60 (Ply Warp)	212.00	
<i>Decating Blanket</i>		
AZ 1 54" 70 x 216 1.24 (Combed-Ply Warp-Carded Fill)	95.20	
<i>Aeroplane Deicer Cloth</i>		
BA 1 48" 64 x 52 1.86 (Ply Warp)	48.97	
<i>Jacket Cloth for Rubber Trade</i>		
BB 1 28" 88 x 88 5.71	21.51	
BB 2 50" 88 x 88 3.23	34.94	
BB 3 60" 88 x 88 2.70	41.31	

TABLE I—TYPE AND CONSTRUCTION OF CLOTH—Continued

Ref. No.	Carriers Apron for Rubber Thread	Cents per yd.
BC 1 50" 96 x 98 2.95	47.69	
BC 2 60" 96 x 98 2.46	54.82	
BC 3 76" 96 x 98 1.96	72.33	
BC 4 80" 96 x 98 1.86	74.63	
BC 5 82" 96 x 98 1.81	76.82	
BC 6 88" 96 x 98 3.88	36.08	
BC 7 46" 96 x 98 3.19	43.89	
<i>Printer's Blanket Fabric</i>		
BD 1 68" 46/92 x 60 1.52 (Ply Warp)	83.34	
BD 2 86" 46/92 x 60 1.19 (Ply Warp)	104.82	
BD 3 48" 46/92 x 60 2.14 (Ply Warp)	57.39	
BD 4 56" 46/92 x 60 2.02 (Ply Warp)	69.20	
BD 5 42" 52 x 44 1.87 (Ply Yarn)	49.09	
BD 6 46" 52 x 44 1.70 (Ply Yarn)	56.53	
BD 7 52" 60 x 60 1.79 (Ply Yarn)	61.20	
BD 8 42" 54 x 60 2.02 (Ply Yarn)	56.48	
BD 9 64" 46/92 x 60 1.61 (Ply Pima Warp)	80.38	
BD 10 46" 46/92 x 60 2.21 (Ply Pima Warp)	54.45	
BD 11 62" 46/92 x 60 1.66 (Ply Warp)	76.50	
<i>Tablecloth</i>		
BE 1 49" 64 x 44 1.93 (Combed Cotton and Spun Rayon Ply Warp)	37.19	
BE 2 57" 64 x 64 1.66 (Combed Cotton and Spun Rayon Ply Warp)	42.21	
<i>Linen Warp Card Clothing Cloth</i>		
BF 1 64" 92 x 56 .92	288.46	
<i>Lapping Cloth</i>		
BG 1 86" 49 x 35 2.20 (Ply Warp—Carded Fill)	54.00	
<i>Special Combed Duck</i>		
BH 1 37½" 86 x 46 1.75 (Merc. Ply Yarn)	57.00	
BH 2 87½" 91 x 48 1.64 (Merc. Ply Warp)	61.39	
BH 3 31" 114 x 34 1.89 (20/1 Warp-20/4 Fill)	44.05	
<i>Life Vest (Air Corps, Spec.)</i>		
BI 1 44½" 100 x 100 1.70 (Merc. Ply Yarn)	88.22	
<i>Insulating Fabric</i>		
BJ 1 36" 44 x 34 17.20	6.80	
<i>Acid Resistant Glove Cloth</i>		
BK 1 40" 52 x 280 .70 (Carded Warp—Ply Yarn)	141.00	
<i>Bedford Cord</i>		
BL 1 38½" 124 x 112 3.88	31.50	
<i>Shade Cloth</i>		
BM 1 126" 64 x 64 .90	84.50	
BM 2 156" 64 x 64 .73	101.25	

TABLE I—TYPE AND CONSTRUCTION OF CLOTH—Continued

Ref. No.	Jersey	Cents per yd.
BN 1 40" 88 x 92 6.26		15.83
<i>Skip Dent Shirting</i>		
BO 1 38" 116 x 52 4.70		17.30
<i>Filter Cloth</i>		
BP 1 28" 112 x 112 7.17		21.17
BP 2 48½" 19 x 19 1.50		44.25
<i>Mechanical Boat Cloth Ply Yarns</i>		
BQ 1 50" 52 x 46 1.60		91.00
<i>Insect Netting</i>		
BR 1 39"–40" 50 x 52 8.00 ¹		14.57
BR 2 45½" 50 x 52 6.85 ²		16.94
BR 3 49½" 50 x 52 6.28 ³		17.75
<i>Oxford Shirting</i>		
BS 1 39" 97 x 66 3.71 (Plain)		22.62
BS 2 38" 88 x 52 4.10 (Plain)		19.50
BS 3 39" 90 x 50 3.50 (Plain)		21.25
BS 4 39" 96 x 44 3.21 (Plain)		22.00
BS 5 39" 120 x 60 3.19 (Plain)		25.35
<i>Madras (Dobby Weave)</i>		
BT 1 38" 92 x 88 4.62		24.50
BT 2 38" 128 x 112 4.94		30.40
<i>Shoe Lining</i>		
BU 1 40" 104 x 50 2.17 (Ply Warp)		35.00
<i>Brassiere Fabric</i>		
BV1 37" 136 x 64 2.90		27.50
BV2 40½" 136 x 64 2.65		30.10
BV3 37" 154 x 76 3.23		27.05
BV4 40½" 154 x 76 2.95		29.65
BV5 37" 144 x 84 2.85		28.85
BV6 40½" 144 x 84 2.60		31.05
BV7 37" 186 x 92 3.28		28.15
BV8 40½" 186 x 92 3.00		30.75
BV9 37" 136 x 68 2.50		30.55
BV10 40½" 136 x 68 2.56		33.40
BV11 37" 136 x 72 3.73		23.25
BV12 40½" 136 x 72 3.45		25.00
BV13 37" 154 x 72 4.05		23.10
BV14 40½" 154 x 72 3.75		24.95
<i>Mechanical Boat Cloth</i>		
BW1 48" 56 x 56 2.12 (Single yarn)		67.90

¹ The maximum prices for the above insect nettings on contracts entered into prior to July 8, 1943, with a war procurement agency or on subcontracts entered into prior to July 3, 1943, under any prime contract with a war procurement agency are the maximum prices in effect for the respective fabrics on July 2, 1943.

COLORED SHIRTING AND SEERSUCKERS*

Reference No.	50% color			75% color			100% color		
	Pastel	Medium	Dark	Pastel	Medium	Dark	Pastel	Medium	Dark
<i>Madras</i>									
KA 1 38" 72 x 64, 5.05 Plain	20.41	21.28	22.17	21.11	22.41	23.76	21.81	23.54	25.33
KA 2 38½" 72 x 64, 5.17 Plain	20.23	21.10	22.01	20.94	22.23	23.60	21.63	23.37	25.20
KA 3 38" 80 x 72, 5.22 Plain	21.31	22.27	23.28	22.10	23.54	25.03	22.88	24.79	26.79
KA 4 39" 84 x 76, 4.84 Plain	22.22	24.26	25.33	24.08	25.62	27.24	24.92	26.98	29.12
KA 5 38" 92 x 80, 5.06 Plain	23.35	24.44	25.60	24.26	25.89	27.62	25.16	27.35	29.65
KA 6 38" 96 x 84, 4.85 Plain	24.40	25.54	26.73	25.30	27.01	28.81	26.25	28.53	30.93
KA 7 38" 88 x 76, 5.42 Plain	21.61	22.45	23.33	22.34	23.60	24.93	23.08	24.78	26.54
KA 8 38" 94 x 92, 5.28 Plain	24.77	25.71	26.67	25.57	26.95	28.40	26.38	28.23	30.18
KA 9 38" 96 x 92, 5.25 Plain	24.98	25.91	26.87	25.76	27.13	28.59	26.57	28.43	30.36
KA 10 38" 96 x 92, 5.69 Plain	24.54	25.48	26.44	25.32	26.71	28.16	26.14	27.99	29.92
KA 11 38" 96 x 100, 5.49 Plain	26.04	26.98	27.93	26.81	28.19	29.64	27.62	29.48	31.41
KA 12 38" 120 x 108, 5.61 Pattern	30.10	31.04	32.07	31.12	32.54	34.07	31.93	33.83	35.87
KA 13 38" 120 x 112, 5.52 Pattern	30.74	31.69	32.71	31.76	33.18	34.71	32.58	34.47	36.50
KA 14 38" 120 x 116, 5.44 Pattern	31.42	32.37	33.38	32.44	33.86	35.39	33.27	35.16	37.20
<i>Seersucker</i>									
KB 1 38" 80 x 80, 3.35 Pattern	30.49	31.40	32.44	28.17	29.61	31.13			
KB 2 38" 80 x 80, 4.00 Pattern	29.81	30.64	31.53	27.96	28.82	30.13			
KB 3 38" 88 x 84, 3.99 Pattern									
KB 4 38" 88 x 84, 4.73 Pattern	31.27	32.20	33.19	29.52	30.78	32.22			
KB 5 38" 76 x 88, 3.37 Pattern									
KB 6 38" 76 x 88, 3.99 Pattern	37.60	38.48	39.41	34.91	36.22	37.62			
KB 7 38" 112 x 108, 3.96 Pattern									
KB 8 38" 112 x 108, 4.72 Pattern									

See footnote at end of table.

COLORED SHIRTING AND SEERSUCKERS*—Continued

Reference No.	Cents per yard								
	50% color			75% color			100% color		
	Pastel	Medium	Dark	Pastel	Medium	Dark	Pastel	Medium	Dark
<i>Broadcloth</i>									
KC 1 37" 96 x 60, 4.66 Pattern.....	22.13	23.24	24.42	23.02	24.70	26.44	23.92	26.16	28.50
KC 2 37" 96 x 60, 4.96 Pattern.....	21.53	22.64	23.82	22.44	24.10	25.86	23.33	25.58	27.91
KC 3 37" 96 x 60, 5.22 Pattern.....	21.02	22.14	23.31	21.93	23.59	25.35	22.83	25.06	27.41
KC 4 37" 104 x 60, 4.95 Pattern.....	22.11	23.33	24.60	23.10	24.94	26.85	24.09	26.64	29.09
KC 5 37" 108 x 60, 4.76 Pattern.....	22.94	24.19	25.52	23.97	25.87	27.84	25.01	27.55	30.18
KC 6 37" 112 x 60, 4.61 Pattern.....	23.33	24.68	25.99	24.44	26.39	28.34	25.54	28.15	30.86
KC 7 37" 116 x 60, 4.47 Pattern.....	23.85	25.22	26.64	24.95	27.00	29.13	26.13	28.85	31.70
KC 8 37" 120 x 60, 4.37 Pattern.....	24.38	25.79	27.26	25.56	27.67	29.88	26.73	29.56	32.51
KC 9 37" 122 x 60, 4.31 Pattern.....	24.52	25.95	27.46	25.73	27.87	30.12	26.96	29.83	32.82
KC 10 37" 122 x 64, 4.23 Pattern.....	25.11	26.55	28.05	26.32	28.46	30.72	27.55	30.41	33.41
KC 11 37" 124 x 60, 4.26 Pattern.....	24.75	26.21	27.73	26.03	28.22	30.52	27.28	30.20	33.26
KC 12 37" 124 x 64, 4.18 Pattern.....	25.33	26.79	28.31	26.59	28.77	31.08	27.83	30.75	33.81
KC 13 37" 128 x 68, 4.01 Pattern.....	26.88	28.37	29.94	28.16	30.41	32.75	29.44	32.43	35.56
KC 14 37" 132 x 60, 4.06 Pattern.....	26.06	27.59	29.20	27.38	29.68	32.09	28.68	31.74	34.95
KC 15 37" 136 x 60, 4.00 Pattern.....	26.56	28.15	29.81	27.90	30.29	32.77	29.27	32.44	35.76
KC 16 37" 136 x 68, 4.42 Pattern.....	26.23	27.60	29.02	27.38	29.43	31.57	28.56	31.29	34.16
KC 17 37" 136 x 72, 4.33 Pattern.....	26.91	28.28	29.70	28.04	30.08	32.22	29.22	31.93	34.82
KC 18 37" 144 x 76, 4.40 Pattern.....	28.32	29.77	31.31	29.57	31.76	34.05	30.79	33.70	36.77
KC 19 37" 144 x 76, 4.40 Pattern.....						34.73			
			500 ends dark color replacing 500 ground			1,000 ends dark color replacing 1,000 ground			
KC 20 37" 108 x 60, 4.76 Pattern.....			21.44			22.54			
KC 21 37" 116 x 60, 4.47 Pattern.....			22.27			23.48			
KC 22 37" 124 x 60, 4.26 Pattern.....			23.03			24.24			
KC 23 37" 128 x 60, 4.10 Pattern.....			23.54			24.76			
KC 24 37" 132 x 56, 4.15 Pattern.....			23.18			24.41			
<i>Oxford</i>									
	25% pastel	50% pastel			75% pastel			100% pastel	
KD 1 38" 88 x 42, 4.00 Plain.....	20.99	21.84			22.67			23.53	
KD 2 38" 80 x 42, 3.57 Plain.....								24.31	
KD 3 38" 84 x 42, 3.75 Plain.....								23.67	
KD 4 38" 97 x 66, 3.71 Plain.....		24.94							

* The maximum prices listed above for colored shirting and seersuckers are for plain weave single beam patterns with plain draw-in of not more than one color and greige in the warp, or pattern draw-in, of not more than two colors and greige in the warp, whichever is indicated, and in warp lengths of not less than 50 pieces.

For patterns or constructions of colored shirting and seersuckers varying from those for which maximum prices are established above, the maximum price shall be the maximum price for the nearest related pattern or construction listed in Table I adjusted in accordance with the premiums provided in paragraph (c) of this section and the following:

(A) Color or yarn changes:

For a substitution in the warp of a color, shade or greige for another color, shade or greige, or a substitution of one yarn size for another yarn size (the total change not to involve more than 12½% of the total count of warp ends); or for the addition of extra warp ends (colored and/or greige) for the purpose of producing pattern effects, (the total change not to exceed 5% of the total count of warp ends):

(1) Deduct from the maximum price of the listed construction the entire cost of its warp as calculated from the following table and to the result add the new warp cost calculated in accordance with the same table.

	40/1	50/1	60/1	40/2	40/3	40/4	50/2	60/2
Greige per 100 ends.....	.00210	.00195	.00173	.0042	.0063	.0084	.0039	.0036
Pastel 27¢ color per 100 ends.....	.00302	.00268	.00234					
Medium 46¢ color per 100 ends.....	.00367	.00320	.00277					
Dark 66¢ color per 100 ends.....	.00435	.00374	.00323					

To determine the cost of each 100 ends of 40s, 50s or 60s colored ply yarns, use single yarn table for 40s, 50s and 60s respectively times the ply.

For any substitution involving a color of a cost other than the above listed costs, the warp cost shall be obtained by interpolation between or extrapolation from the costs listed above.

(B) Draw-in changes:

Where a listed pattern draw-in construc-

tion is converted to a plain draw-in construction deduct ½¢ per yard.

Where a listed plain draw-in construction is converted to a fancy draw-in construction, in addition to the premium provided in paragraph (c) of this section for fancy draw, add ½¢ of a cent per yard for each additional color, shade or equivalent in excess of two colors and greige. For the purposes of determining this premium tapes, ply cords,

bunched ends, skip dents, double draw (2 ends or more weaving as 1), reverse twist warp stripes, or any other novelty draw, shall each be considered the equivalent of a color or shade.

(C) Package changes:

For each pick (not exceeding 4 picks per inch) added to or omitted from a listed construction for the purpose of producing pattern effects add or subtract 0.15 cent per pick for greige filling yarns number 30 to 60, and 0.25 cent per pick for greige filling yarn number 60 and above.

(D) Short warps:

For short warps of any construction of colored shirting or seersucker subject to the maximum prices set in this regulation the following premiums may be added:

32 to 49 pieces to a warp, add 1¢ per yard
20 to 31 pieces to a warp, add 1½¢ per yard
12 to 19 pieces to a warp, add 3½¢ per yard

Where any one sale of a given pattern is for various size warps of different colors or shades with a resulting variation in the maximum prices for such warps the seller may, after computing the maximum price separately for each warp, determine and use as his maximum price for that sale a weighted average of such varying prices: *Provided*, That (1) The contract of sale or invoice shall contain the data from which the weighted average price is obtained; (2) Each delivery shall be accompanied by an invoice or similar document which shall either contain the information required by (1) above or make reference to the contract in which such information is set forth.

[Table I amended by Am. 1, 8 F.R. 2206, effective 2-24-43; Am. 3, 8 F.R. 4725, effective 4-8-43; Am. 7, 8 F.R. 8937, effective 7-3-43; Am. 8, 8 F.R. 10900, effective 8-9-43; Am. 9, 8 F.R. 11434, effective 8-21-43; Am. 10, 8 F.R. 13974, effective 10-16-43; Am. 11, 8 F.R. 16129, effective 12-2-43; Am. 12, 9 F.R. 396, effective 1-14-44; and Am. 13, 9 F.R. 1522, effective 2-11-44]

TABLE II

The following provisions shall apply to unfinished box-loom clip-spot marquises.

As used herein, the term "standard" means having a width of 35", 39½", 46", or 48" and a total count per inch of 37 to 48 sley and 14 to 34 picks (including roving), inclusive. The term "base construction" means 39½" 40 x 18, 40s or 50s combed warp, 40s or 50s, combed filling, 2 picks of 6.00 hank grey roving, 10 jumpers and/or 15 harnesses or less.

The base maximum price for standard unfinished box-loom clip-spot marquises shall be 8½ cents per yard. For any standard construction other than the base construction the maximum price shall be the base maximum price adjusted upward or downward by the following per yard differentials.

A. Width differentials.

35", deduct.....	\$0.0059
46", add.....	.0084
48", add.....	.0224

B. Warp differentials—ground

	35"	39½"	46"	48"
40s or 50s combed, where ground ends are more or less than 40 per inch:				
Grey, add or subtract for each two ends per inch.....	\$0.0013	\$0.0015	\$0.0017	\$0.0018
Pastel colors, add per end per inch.....	.00041	.00047	.00054	.00057
Empire colors, add per end per inch.....	.00054	.00062	.00072	.00075
40s or 50s carded, subtract from combed for two ends per inch.....	.00012	.00014	.00016	.00017

C. Filling differentials

	35"	39½"	46"	48"
1. Ground:				
40s or 50s combed, where ground picks are more or less than 18 per inch:				
Grey, add or subtract for two picks per inch.....	\$0.0033	\$0.0035	\$0.0037	\$0.0047
Pastel colors, add per pick per inch.....	.00046	.00052	.00060	.00063
Empire colors, add per pick per inch.....	.00059	.00067	.00078	.00082
40s or 50s carded, subtract from combed for one pick per inch.....	.000053	.000060	.000070	.000072
2. Roving, subtract \$0.009 and add per pick per inch:				
Grey:				
4 hank.....	.0053	.0058	.0067	.0074
6 hank.....	.0041	.0045	.0051	.0057
8 hank.....	.0033	.0036	.0041	.0048
10 hank.....	.0028	.0031	.0035	.0040
12 hank.....	.0027	.0029	.0032	.0038
Pastel:				
4 hank.....	.0091	.0101	.0116	.0126
6 hank.....	.0066	.0073	.0084	.0092
8 hank.....	.0052	.0057	.0066	.0072
10 hank.....	.0044	.0048	.0054	.0061
12 hank.....	.0039	.0043	.0049	.0055
Empire:				
4 hank.....	.0101	.0113	.0130	.0140
6 hank.....	.0073	.0081	.0093	.0101
8 hank.....	.0057	.0063	.0072	.0079
10 hank.....	.0048	.0053	.0060	.0067
12 hank.....	.0043	.0047	.0054	.0060

D. Pattern differentials

	35"	39½"	46"	48"
Over 10 jumpers and/or 15 harness:				
Per yard per pick 2 shuttles.....	\$0.000114	\$0.000114	\$0.000140	\$0.000140
Per yard per pick 3 and 4 shuttles.....	.000140	.000140	.000175	.000175

20/2 Carded cords (other than selvage): Add per end:

Grey.....	\$0.000055
Pastel colors.....	.000095
Empire colors.....	.000110

E. Loop cutting.

All widths..... .0033

F. Production differential.

After applying all necessary differentials add or subtract for each pick over or under an over-all count of 20 picks..... .0003

TABLE III

(1) This table establishes maximum prices for every fabric covered by this regulation for which a specified price is not set forth in or ascertainable from Tables I and II.

No. 49—3

(2) Except as provided below the maximum price for fabrics subject to Table III shall be as follows:

Cloths:	Price (cents per pound)
Lawn.....	75
Broadcloths.....	60
Voiles.....	75
Dimities.....	65
Marquises.....	75
Other fabrics.....	50

(3) For any fabric subject to the poundage maximum prices set forth in (2) above a seller may request the Office of Price Administration to determine a special maximum price in lieu of such poundage price. The request shall con-

tain a complete description of the cloth including:

- (1) Fabric name
- (II) Width:
 - (a) In the reed
 - (b) Of woven cloth
- (iii) Weight of grey cloth (yds. per lb.)
- (iv) Cloth count of woven cloth
- (v) Yarn details—for each warp and filling yarn:
 - (a) Count
 - (b) Ply
 - (c) Twist
 - (d) Percentage to weight of cloth
- (vi) Cuts:
 - (a) Yards per cut for sizing
 - (b) Yards woven per cut
- (vii) Percentage of sizing in cloth
- (viii) Loom:
 - (a) Type
 - (b) Model
 - (c) Speed
 - (d) Percentage of weaving efficiency
- (ix) Weave and harnesses required
- (x) Number of looms per weaver

Even if such a request has been made the seller may not contract for, demand or receive a price higher than the applicable poundage price appearing in (2) above except under the conditions hereinafter set forth.

(4) For any fabric subject to Table III which is sold or delivered pursuant to a government contract (as defined in § 1316.7):

(i) If the delivery is made prior to July 10, 1943, the maximum price shall be the maximum price in effect on January 6, 1943;

(ii) If the delivery is made (or to be made) on or after July 10, 1943, the seller may charge a price not in excess of the maximum price in effect on January 6, 1943 subject to the following conditions: first that prior to March 24, 1943 (or within one week of any initial contract of sale made thereafter for such fabric) the seller shall have filed with the Office of Price Administration in accordance with (3) above a request for a special maximum price; and, second, that upon the establishment of a special maximum price the seller shall promptly refund to the purchaser the amount by which the price received exceeds the special maximum price.

[Subparagraphs (1) and (ii) amended by Am. 2, 8 F.R. 4628, effective 1-13-42; Am. 4, 8 F.R. 5477, effective 4-23-43; Am. 5, 8 F.R. 8085, effective 5-24-43; and Am. 6, 8 F.R. 8615, effective 6-24-43]

(5) For any fabric subject to Table III of a construction sold or delivered by the seller between July 1, 1942 and January 6, 1943, which is sold or delivered pursuant to a contract other than a government contract where the seller in accordance with (3) above has requested the Office of Price Administration to determine a special maximum price for such fabric:

(i) If the delivery is made prior to July 10, 1943, the maximum price shall be the maximum price in effect on January 6, 1943;

(ii) If the delivery is made on or after July 10, 1943, the seller may charge a price not in excess of the applicable

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poundage maximum price set forth in (2) above and may reserve the right to charge the purchaser an amount equal to the difference between the applicable poundage maximum price and the special maximum price thereafter established pursuant to the seller's request.

[Subparagraph (5) amended by Am. 2, 8 F.R. 4628, effective 1-13-42; Am. 4, 8 F.R. 5477, effective 4-23-43; Am. 5, 8 F.R. 8065, effective 5-24-43; and Am. 6, 8 F.R. 8615, effective 6-24-43]

[Table III amended by Am. 1, 8 F.R. 2206, effective 2-24-43 and as otherwise noted]

(e) When an amendment to Maximum Price Regulation No. 11 effects a reduction in any seller's previous ceiling price for any fabric (other than a fabric previously subject to Table III), it shall be permissible for such seller for a period of 30 days from the effective date of the amendment to make deliveries of such fabric against existing contracts at a price not exceeding the maximum price in effect on the day immediately preceding the effective date of the amendment.

[Paragraph (e) added by Am. 7, 8 F.R. 8937, effective 7-3-43]

§ 1316.5 What the contracts of sale and invoices must contain. (a) Every seller shall deliver to the purchaser at the time the contract is made a written contract of sale which shall contain:

- (1) The date on which the sale or contract of sale was made;
- (2) A full description of the materials sold including:
 - (i) The width;
 - (ii) The cloth count;
 - (iii) The number of yards per pound;
 - (iv) Any feature of the cloth for which a premium is allowed or discount required;
 - (3) The quantity sold;
 - (4) The terms of sale; and
 - (5) The prices.

(b) With each delivery the seller shall transmit to the purchaser an invoice or similar document which shall either contain the information required by paragraph (a) above or make reference to the contract in which such information is set forth.

§ 1316.6 Prohibited practices. Any practice which is a device to increase the consideration obtained above the maximum price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, premiums, special privileges, tying agreements, trade understandings and the like.

§ 1316.7 Applications for adjustment or petitions for amendment—(a) Government contracts. (1) The term "government contract" is here used to mean any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1, 1941, entitled "An Act to promote the defense of the United States", or any subcontract under contracts with such persons.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price established by this Regulation is impeding or threatens to impede production of material which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6^{*} issued by the Office of Price Administration.

(3) As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to appropriate refund if the requested adjustment is denied in whole or in part. The seller must notify the buyer in writing that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this Regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration. In appropriate situations where a petition for amendment requires extended consideration the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

However, the filing of a petition shall not be construed as authorizing transactions at a price above the maximum price.

[NOTE: Supplementary Order No. 23 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits, under certain conditions, the addition of extra packing expenses on sales to procurement agencies of the United States.

§ 1316.8 Records and reports—(a) Records. Every person making purchases or sales subject to the regulation shall keep for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records which will show a complete description of the items sold; the name and address of the buyer or seller; the date of the sale and the price paid or received.

(b) *Reports.* Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1316.9 Enforcement. (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest district or regional office of the Office of Price

Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. The term "war procurement agencies" means the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

§ 1316.9a Licensing. The provisions of Licensing Order No 1^{**} licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1316.9a added by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

§ 1316.10 Effective date. Maximum Price Regulation No. 11 (§§ 1316.1 to 1316.10 inclusive) shall become effective January 13, 1943: *Provided*, That up to and including February 12, 1943 deliveries against contracts entered into prior to January 7, 1943 at an agreed firm price may be made at prices in conformity with the regulation or price schedule applicable to such contracts at the time they were made. [Originally issued January 7, 1943]

[NOTE: Effective dates of amendments are shown in rates following the parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3279; Filed, March 7, 1944;
3:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 102]

INDIAN MOTORCYCLE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation 14 is amended by the addition to Article VI of a new section to read as follows:

SEC. 6.44. Motorcycles manufactured for and sold to the United States by the Indian Motorcycle Company under War Contract No. W-478-ORD-Indian Motorcycle Company—(a) In general. This section establishes a basis for pricing sales of approximately 4700 motorcycles specially built for and sold to the United States Government by the Indian Motorcycle Company, Springfield, Massa-

*Copies may be obtained from the Office of Price Administration.

^{*}7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.
^{**}8 F.R. 13240.

chusetts, under War Contract No. W-478-ORD. This pricing basis is established in the following paragraphs by dollars and cents prices for sales of the vehicles to retail dealers and to purchasers at retail, and by exempting any remaining sales from the General Maximum Price Regulation.

(b) *Maximum prices for a sale to a retail dealer.* The price for a sale to a retail dealer of a motorcycle described in paragraph (a) shall not exceed \$300., f. o. b. place of sale, plus the amount of the seller's actual expense, if any, for the transportation of the motorcycle to the place of sale.

(c) *Maximum prices for a sale at retail.* The price for a sale at retail of a motorcycle described in paragraph (a) shall not exceed \$400., f. o. b. place of sale, plus the amount of the seller's actual expense, if any, for the transportation of the motorcycle to the place of sale.

(d) *Exception of remaining sales from the General Maximum Price Regulation.* Any sales of a motorcycle described in paragraph (a) other than sales covered by paragraphs (b) and (c), are hereby excepted from the General Maximum Price Regulation.

(e) *Notifying purchasers of maximum prices.* Any person who sells a motorcycle described in paragraph (a) to a retail dealer shall notify such a purchaser on the invoice of sale of the latter's maximum reselling price under paragraph (c).

(f) *Definitions.* (1) "Retail dealer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Sale at retail" means a sale by a person to a purchaser for use.

(3) "Person" includes: an individual, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

This amendment shall become effective March 7, 1944.

CHESTER BOWLES,
Administrator.
[F. R. Doc. 44-3276; Filed, March 7, 1944;
12:03 p. m.]

PART 1358—TOBACCO
[RPS 62: Amdt. 3]

CIGARETTES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 62 is amended in the following respects:

1. Section 1358.1 (a) is amended by adding a sentence to read as follows:

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 1322, 2132, 2242, 8948, 12315.

The maximum prices which are fixed in this section are, in the case of a "private brand of cigarette" manufactured for the owner of such private brand, subject to adjustment under paragraph (d).

2. Section 1358.1 is amended by adding a paragraph to read as follows:

(d) *Adjustments of manufacturers' maximum prices for private brands of cigarettes—(1) Who may apply.* Any manufacturer of a private brand of cigarettes may apply for adjustment of his maximum price for such private brand if:

(i) His over-all net profits, before income taxes, during his last fiscal year, are not greater than his average over-all net profits, before income taxes, during the period 1936-1939, inclusive; or

(ii) His over-all net profits, before income taxes, during his last fiscal year are greater than his average over-all net profits, before income taxes, during the period 1936-1939, inclusive, and the total cost to him of the private brand of cigarettes exceeds his maximum net selling price therefor; and

(iii) His continued production of the private brand of cigarettes is threatened or its manufacture has been curtailed or discontinued.

"Private brand of cigarettes" means a brand of cigarettes bearing a brand name owned privately and duly registered by a person selling and distributing the product on his own behalf, and which is manufactured for him according to his specifications and requirements.

(2) *Form of application.* A manufacturer of a private brand of cigarettes who desires an adjustment in his maximum price for such private brand shall send to the Office of Price Administration, Washington, D. C., an application containing the following information:

(i) His present and requested maximum net selling prices per thousand cigarettes.

(ii) The date and the complete terms of the agreement between him and the private brand owner pursuant to which the cigarettes are manufactured.

(iii) A statement in detail showing why he finds it necessary to request an increase in his maximum price in order to continue producing the particular brand of cigarettes for the private brand owner.

(iv) His present detailed costs, prepared in accordance with his usual system of accounts, of the private brand of cigarettes.

(v) His present detailed costs, prepared in accordance with his usual system of accounts, of his own most comparable brand of cigarettes, and his present maximum net selling price per thousand cigarettes of such brand.

(vi) His profit and loss statements for the period 1936-1939, inclusive, and for his last fiscal year, prepared in accordance with his usual system of accounts, unless such data have been previously made available to the Office of Price Administration.

(vii) His current volume of sales of the private brand of cigarettes or, if the production of such cigarettes has been discontinued, the volume of sales which may be reasonably expected if his present maximum price is adjusted upward.

(viii) A statement signed by the private brand owner that he will absorb and will not pass on to any purchaser the requested increase or any part thereof, and that such increase will not be made the basis of any future request for adjustment of his maximum price for such cigarettes.

(3) *Disposition of application.* Any adjustment granted under this paragraph shall be limited as follows:

If the manufacturer's over-all net profits, before income taxes, for his last fiscal year are not greater than his average over-all net profits during the period 1936-1939, inclusive, the adjustment shall not exceed the total cost to him of the private brand of cigarettes plus a reasonable profit. In determining what is a reasonable profit, the Office of Price Administration will consider the net profit per thousand cigarettes realized on sales of his own most comparable brand of cigarettes. No adjustment made in such instance may result in over-all net profits greater than his average over-all net profits during the period 1936-1939, inclusive.

If the manufacturer's over-all net profits, before income taxes, for his last fiscal year are greater than his average over-all net profits during the period 1936-1939, inclusive, the adjustment shall not exceed the total cost to him of the private brand of cigarettes.

The Office of Price Administration shall authorize or deny by order the adjustment requested. The authorization so granted may be revoked at any time by the Price Administrator.

This amendment shall become effective March 14, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3316; Filed, March 8, 1944;
11:15 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 128: Amdt. 4]

PROCESSING PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 128 is amended in the following respects:

Section 1400.25 is amended to read as follows:

§ 1400.25 Itemizing charges for certain finishing processes. Where the processing of piece goods by any job processor includes any embossing, moireing, screen printing, block printing, chenille print-

¹7 F.R. 3117, 4659, 6615, 8948.

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ing, flock printing, lacquer printing, or any type of over-printing (such as pigment type or zinc printing) not expressly named, such job processor shall ascertain the portion of the total price (not to exceed his maximum price) attributable thereto and shall deliver to the customer a contract invoice or similar document stating that portion separately.

This amendment shall become effective March 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3315; Filed, March 8, 1944;
11:15 a. m.]

PART 1412—SOLVENTS

[MPR 28,¹ Amdt. 5]

ETHYL ALCOHOL (EXCLUDING WEST COAST
ETHYL ALCOHOL)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1412.263 (h) (1) of Maximum Price Regulation No. 28 is amended by adding the following paragraphs at the end thereof:

Rental payments. These cost items include rental payments to Defense Supplies Corporation. They also include rental payments to other lessors, but with a maximum limitation. This maximum limitation is the figure equal to those costs which the lessee could charge in if he owned the property and which he has not otherwise charged in as a cost of producing ethyl alcohol. Typical costs which the lessee could charge in if he owned the property include depreciation, property taxes, insurance, reasonable maintenance and repair and the like.

Depreciation and amortization of property on leased premises. Producers who install machinery and equipment or make improvements on leased premises may take depreciation or amortization on their capital investment. However, depreciation or amortization will not be allowed a lessee in this situation at a rate greater than the rate which the lessor would have been entitled to use had he been the ethyl alcohol producer.

This amendment shall become effective March 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of March 1944.
CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3318; Filed, March 8, 1944;
11:16 a. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 2339, 4256, 4852, 8016, 12879.

PART 1412—SOLVENTS

[MPR 295,¹ Amdt. 6]

WEST COAST ETHYL ALCOHOL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1412.165 (g) (1) of Maximum Price Regulation 295 is amended by adding the following paragraphs at the end thereof:

Rental payments. These cost items include rental payments to Defense Supplies Corporation. They also include rental payments to other lessors, but with a maximum limitation. This maximum limitation is the figure equal to those costs which the lessee could charge in if he owned the property and which he has not otherwise charged in as a cost of producing ethyl alcohol. Typical costs which the lessee could charge in if he owned the property include depreciation, property taxes, insurance, reasonable maintenance and repair and the like.

Depreciation and amortization of property on leased premises. Producers who install machinery and equipment or make improvements on leased premises may take depreciation or amortization on their capital investment. However, depreciation or amortization will not be allowed a lessee in this situation at a rate greater than the rate which the lessor would have been entitled to use had he been the ethyl alcohol producer.

This amendment shall become effective March 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3319; Filed, March 8, 1944;
11:16 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 108 to GMPR, Amdt. 3]

PRODUCERS OF HIGH WINES

For the reasons set forth in an opinion issued simultaneously herewith, § 1499-972 (a) is amended by adding the following paragraphs at the end thereof:

Rental payments. These cost items include rental payments to Defense Supplies Corporation. They also include rental payments to other lessors, but with a maximum limitation. This maximum limitation is the figure equal to those costs which the lessee could charge in if he owned the property and which he has not otherwise charged in as a cost of producing high wines. Typical costs which the lessee could charge in if he owned the property include depreciation, property taxes, insurance, reasonable maintenance and repair and the like.

¹ 7 F.R. 11115; 8 F.R. 129, 2599, 4930, 15431.

Depreciation and amortization of property on leased premises. Producers who install machinery and equipment or make improvements on leased premises may take depreciation or amortization on their capital investment. However, depreciation or amortization will not be allowed a lessee in this situation at a rate greater than the rate which the lessor would have been entitled to use had he been the high wines producer.

This amendment shall become effective March 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3317; Filed, March 8, 1944;
11:15 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection
and Navigation

Subchapter F—Marine Engineering

PART 55—PIPING SYSTEMS

AMENDMENTS TO REGULATIONS, APPROVAL AND
WITHDRAWAL OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4429, 4433, 4488, 4491, as amended, 49 Stat. 1544 (46 U. S. C. 375, 391a, 404, 407, 411, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the regulations, approval and withdrawal of approval of equipment are prescribed:

Section 55.19-11 *Class II piping*¹ is amended by deleting paragraph (c) (2) therein.

Section 55.19-6 is amended by adding a new paragraph (g) reading as follows:

*§ 55.19-6 Class I piping. * * **

(g) Seamless or welded fittings fabricated from plate or seamless steel pipe conforming with the appropriate section of Part 51 may be used if welded in accordance with the requirements of Part 56.

ITEMS OF EQUIPMENT APPROVED

FIRST-AID KITS

First-aid kit, Model G-11, submitted by Mine Safety Appliances Company, Braddock, Thomas and Meade Sts., Pittsburgh, Pa.

First-aid kit, Model IW24, submitted by Industrial Drug Supplies, Inc., 108 Greenwich St., New York, N. Y.

First-aid kit, Type H-24, submitted by A. E. Halperin Co., Inc., 75-87 Northampton St., Boston, Mass.

First-aid kit, Model LB-753, submitted by Burroughs Wellcome & Co., Inc., 9-11 East 41st St., New York, N. Y.

LIFE RAFT

20-person, improved type metal life raft (Dwg. No. 50, Sheets 1, 2 and 3), submitted by Kearns Bros., Redwood City, California.

ITEMS OF EQUIPMENT; APPROVAL WITHDRAWN

LINE-THROWING GUNS

Line-throwing gun manufactured by The Hilyard Company, Norristown, Pa. (Originally approved in 1919)

¹ 7 F.R. 2036; 8 F.R. 10767.

Line-throwing gun manufactured by the James Walker Co., 123 Light St., Baltimore, Md. (Originally approved in 1919)

Line-throwing gun manufactured by The Landley Co., Inc., 15 Park Row, New York, N. Y. (Originally approved in 1919)

(Notwithstanding the withdrawal of approvals, any of the foregoing line-throwing guns now on board merchant vessels may be continued in service, provided such line-throwing guns are in good and serviceable condition.)

R. R. WAESCHE,
Vice Admiral, USCG,
Commandant.

MARCH 7, 1944.

[F. R. Doc. 44-3308; Filed, March 8, 1944;
10:34 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

[A. O. 228]

MUNICIPALITY OF SAINT THOMAS AND SAINT JOHN, VIRGIN ISLANDS

APPOINTMENT OF SPECIAL INDUSTRY COMMITTEE

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, William R. McComb, Acting Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for the municipality of Saint Thomas and Saint John, Virgin Islands, composed of the following representatives:

For the public: John A. Lapp, Chairman, Chicago, Illinois; George H. T. Dudley, St. Thomas, Virgin Islands.

For the employees: Valdemar A. Hill, St. Thomas, Virgin Islands; Reginald Davis, St. Thomas, Virgin Islands.

For the employers: D. Victor Bornn, St. Thomas, Virgin Islands; Isidore Palewonsky, St. Thomas, Virgin Islands.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and rules and regulations promulgated thereunder, shall meet beginning on April 4, 1944, at the Municipal Council Hall in Charlotte Amalie, Saint Thomas, Virgin Islands, and shall proceed to investigate conditions in the industries in the municipality of Saint Thomas and Saint John, Virgin Islands, in such order as the committee may elect, and recommend to the Administrator minimum wage rates for all employees in the limits of that municipality who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 4th day of March 1944.

WILLIAM R. MCCOMB,
Acting Administrator.

[F. R. Doc. 44-3297; Filed, March 7, 1944;
4:24 p. m.]

[A. O. 229]

MUNICIPALITY OF SAINT CROIX, VIRGIN ISLANDS

APPOINTMENT OF SPECIAL INDUSTRY COM- MITTEE

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, William R. McComb, Acting Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for the municipality of Saint Croix, Virgin Islands, composed of the following representatives:

For the public: John A. Lapp, Chairman, Chicago, Illinois; B. R. Larsen, St. Croix, Virgin Islands.

For the employees: Isaac Boynes, St. Croix, Virgin Islands; Alfred Francis, St. Croix, Virgin Islands.

For the employers: Miles Merwin, St. Croix, Virgin Islands; Joseph Alexander, St. Croix, Virgin Islands.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and rules and regulations promulgated thereunder, shall meet beginning on April 12, 1944 in the District Court Room, Christiansted, Saint Croix, Virgin Islands, and shall proceed to investigate conditions in the industries in the municipality of Saint Croix, Virgin Islands, in such order as the committee may elect, and recommend to the Administrator minimum wage rates for all employees in the limits of that municipality who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 4th day of March 1944.

WILLIAM R. MCCOMB,
Acting Administrator.

[F. R. Doc. 44-3298; Filed, March 7, 1944;
4:24 p. m.]

EMPLOYMENT OF HOME WORKERS IN EMBROIDERY INDUSTRY

POSTPONEMENT OF EFFECTIVE DATE OF REGULATIONS

In the matter of the postponement of the effective date of the regulations applicable to the employment of home workers in the embroidery industry, Title 29, Chapter V, Code of Federal Regulations, part 633 and § 633.100.

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Part 633, Chapter V, Title 29, Code of Federal Regulations, issued a wage order for the Embroidery Industry establishing for such Industry a minimum wage rate of 40 cents an hour effective September 20, 1943, and prescribing terms and conditions applicable to industrial home work employment, effective November 15, 1943; and

Whereas, the Administrator, by §§ 633.100-112, Title 29, Chapter V, Code of Federal Regulations, issued regula-

tions applicable to industrial home work employment in the Embroideries Industry, pursuant to the aforesaid wage order for the Embroideries Industry and sections 8 (f) and 11 (c) of the Fair Labor Standards Act of 1938, effective November 15, 1943, the effective date of which regulations was postponed to March 31, 1944, by order of the Administrator dated November 6, 1943, published in the FEDERAL REGISTER November 8, 1943; and

Whereas, application has been filed pursuant to § 633.112 of the aforementioned regulations with the Acting Administrator by interested parties, requesting a further postponement of the effective date of the Regulations Applicable to the Employment of Home Workers in the Embroideries Industry; and

Whereas, it has been determined by the Acting Administrator that cause has been shown for such further postponement.

The effective date of the industrial home work provisions in the Wage Order for and Regulations Applicable to the Employment of Home Workers in the Embroideries Industry is hereby changed to May 15, 1944.

This order shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 4th day of March 1944.

WILLIAM R. MCCOMB,
Acting Administrator.

[F. R. Doc. 44-3296; Filed, March 7, 1944;
4:24 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 924]

AMERICAN AIRLINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of American Airlines, Inc., for amendment of temporary certificate of public convenience and necessity so as to include San Antonio, Texas, as an intermediate point on its Fort Worth-Dallas-Mexico City, Mexico route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, in the above-entitled proceeding, that oral argument is assigned for March 17, 1944, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated Washington, D. C., March 6, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-3312; Filed, March 8, 1944;
10:44 a. m.]

[Docket No. 1182]

HUGHES TOOL COMPANY

NOTICE OF HEARING

In the matter of the application of Hughes Tool Company for approval, if

FEDERAL REGISTER, Thursday, March 9, 1944

such approval is necessary, of control of Transcontinental & Western Air, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said act, in the above-entitled proceeding, that hearing is assigned for March 17, 1944, at 10 a. m. (eastern war time) in Room 3237 Post Office Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D. C., before Examiner Frank A. Law.

Dated Washington, D. C., March 6, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-3311; Filed, March 8, 1944;
10:44 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5123]

BANNER MANUFACTURING CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of March, A. D. 1944.

In the matter of Banner Manufacturing Company, Inc., a corporation, trading as Gold Seal Manufacturing Company and National Laboratories Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, that J. Earl Cox, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, March 21, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-3310; Filed, March 8, 1944;
10:48 a. m.]

OFFICE OF THE COORDINATOR OF
INTER-AMERICAN AFFAIRS.

ACTING COORDINATOR OF INTER-AMERICAN
AFFAIRS

DESIGNATION AND DELEGATION OF AUTHORITY

Amendment of the order designating Acting Coordinator of Inter-American

Affairs and delegating to such officer authority to perform duties and functions of the Coordinator.

The order designating Acting Coordinator of Inter-American Affairs and delegating to such Officer authority to perform duties and functions of the Coordinator, dated February 26, 1944 (9 F.R. 2443), is amended by inserting a comma in lieu of the period at the end of the first paragraph and adding the following:

and in the absence of the Coordinator, the said Percy L. Douglas, George C. Dunham, Don Francisco, Francis A. Jamieson, and John C. McClinton, John E. Lockwood is authorized to exercise and perform such duties, powers and functions as Acting Coordinator.

Dated: March 7, 1944.

NELSON A. ROCKEFELLER,
Coordinator.

[F. R. Doc. 44-3306; Filed, March 8, 1944;
9:40 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[RMPR 122, Amdt. 6 to Rev. Order 47]

SOLID FUELS IN WASHINGTON, D. C., AREA
AND ALEXANDRIA, VA.

AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 6 to Revised Order No. 47 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

For the reasons set forth in the opinion issued herewith and in accordance with § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered*, That Revised Order No. 47 be amended in the following respect:

New paragraph (f2) is added to read as follows:

(f2) The prices set forth in paragraphs (c) (1), (d) and (f) for the respective areas and for "direct delivery" and "yard sales" may be increased for sales of "Penn anthracite" by no more than 50 cents per net ton or 55 cents per gross ton in the egg, stove, nut and pea sizes; by 35 cents per net ton or 40 cents per gross ton for buckwheat No. 1; and by 25 cents per net ton or by 30 cents per gross ton for the rice size; if:

(1) The dealer keeps Penn anthracite separate in storage and delivery, from any other kind of solid fuel; and

(2) The dealer keeps complete and accurate records of Penn anthracite for such time as this paragraph (f2) is in effect. The records shall show: the date he received the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent him by the producer, and

(3) The Penn anthracite is produced by Penn Collieries Company, Scranton, Pennsylvania and is sold as Penn or "Black Stork" anthracite by the dealer.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment to Revised Order No. 47 shall become effective March 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4881)

Issued this 7th day of March 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3277; Filed, March 7, 1944;
12:02 p. m.]

[RO 17, Administrative Exception Order 21]

SALE OF GOVERNMENT ISSUE TYPE SHOES
TO CERTAIN CIVILIANS

The petitioner is the Quartermaster General of the United States Army. Petitioner desires to sell government issue type shoes to certain civilians such as war correspondents, who are under the supervision of the United States Army while on duty overseas. These individuals are sent, under official government travel orders, to overseas destinations where they are required to wear regulation Army uniforms, which includes government issue type shoes. The Quartermaster has been considered an integral part of the United States Army. Heretofore, Quartermaster sales have been made only to authorized military personnel, without the surrender of ration currency. Under Ration Order 17, before the petitioner can sell shoes to civilians, it would be required to first register as an establishment and then collect ration currency for all shoes sold to civilians. Petitioner requests that it be permitted to sell shoes to civilians having official government overseas travel orders, in order to complete regulation Army uniform requirements; such sales to be made without the petitioner registering as an establishment. However, ration currency is to be collected by it when it transfers shoes to such civilians.

The relief requested in this case may be granted without defeating or impairing the effectiveness of the policy of Ration Order 17.

It is hereby ordered, That the Quartermaster General of the United States Army be permitted to sell government issue army shoes for ration currency without registering as an establishment, to persons with a civilian status engaged in work supervised by the Army, who are given overseas assignments and who have official government travel orders. All ration currency that is received for shoes sold to such persons must be sent to the Director of the Miscellaneous Products Rationing Division, Office of Price Administration, Washington, D. C., within 30 days after it is received by the petitioner.

Issued and effective this 8th day of March 1944.

BRYAN HOUSTON,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 44-3320; Filed, March 8, 1944;
11:15 a. m.]

[MPR 176, Order 5]

ROTARY CUT SOUTHERN HARDWOOD BOX LUMBER

ORDER AUTHORIZING ADJUSTMENT OF PRICES

Petitions have been filed by producers subject to MPR 176 for an increase in the maximum prices for hardwood box veneer now established by the regulation. This veneer currently is used almost exclusively for the manufacture of wire-bound boxes, which are the subject of a particularly acute and urgent need by the Government for the shipment of vital war goods such as ammunition, air and motor transport replacement parts, food packages, and medical supplies.

Various measures have been taken in the recent past aimed at assuring an adequate supply of these containers; WPB Conservation Order M-343 had this purpose, as did Amendment 6 to this regulation. This Office has been conducting a field cost study on box grade veneer under MPR 176 for several weeks past. Preliminary findings based on the data so far developed tend to confirm petitioners' contentions that, under the present ceilings, they are unable to produce box grade veneer in volume to satisfy the current tremendous demands of the military establishment. Further confirmation is lent by the representations of Government procurement authorities to the effect that, despite the measures already taken, supplies of this material continue to be precariously low.

It is true that the regulation provides certain procedures whereby producers individually may obtain adjustment of their prices. It is equally true that active consideration is being given the question of industry-wide adjustment of the ceilings. Actions of either type however, necessarily are time-consuming, and the exigencies of the present situation are such that it would be extremely dangerous from the procurement standpoint, as well as unfair to producers, to require that current shipments be maintained rigidly at the present ceiling prices.

It has been shown that authorization to use adjustable pricing, pending final action on the petitions, is necessary to promote the production of rotary cut southern hardwood box veneer and that such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and in accordance with § 1384.3 of Maximum Price Regulation No. 176, *It is hereby ordered*, That:

(a) Producers may sell and deliver, and any person may buy and receive, rotary cut southern hardwood box veneer subject to Maximum Price Regulation No. 176, at prices not over the prevailing ceiling at time of delivery but by

agreement subject to being adjusted upward in accordance with action, if any, taken by the Office of Price Administration after delivery.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for hardwood box veneer under MPR 176 higher than the maximum prices therefor now prevailing, or upon denial of the petitions. It may be revoked or amended by the Price Administrator at any time.

(c) This order shall be effective February 17, 1944.

Issued this 17th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-3313; Filed, February 18, 1944;
11:18 a. m.]

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of March 1944.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 44-3238; Filed, March 6, 1944;
3:53 p. m.]

[Region III Order G-8 Under RMPR 122]

SOLID FUELS IN LOUISVILLE, KY., AREA

Order No. G-8 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the Louisville, Kentucky, area.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by §§ 1340.260 and 1340.259 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the City of Louisville, Kentucky, and all territory within four miles of the corporate limits thereof. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-8 but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order;

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit;

(iii) Using any other device by which a higher than maximum price is obtained directly or indirectly;

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by any agency of the United States Government.

(c) *Schedule for sales of coal—(1) Price schedules.* This schedule sets forth maximum prices for cash sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for

Order and Area	Paragraph Revoked
G-35, Hampton-Seabrook Area	(g)
G-36, Dover-Exeter Area	(g)
G-37, Stamford-Norwalk Area	(h)
G-38, Milford and Hopedale, Massachusetts	(f)
G-39, Providence, Rhode Island, Area	(j)
G-40, Rutland, Vermont, Area	(h)
G-41, Adams, Massachusetts, Area	(f)
G-42, Bennington, Vermont, Area	(f)
G-43, Manchester, Vermont, Area	(e)
G-44, Danbury, Connecticut, Area	(i)
G-45, White River Junction Area	(j)
G-46, Hartford, Connecticut, Area	(i)
G-47, New Haven, Connecticut, Area	(j)
G-48, Brattleboro-Keene Area	(j)
G-49, Middletown, Connecticut, Area	(j)
G-50, St. Albans, Vermont, Area	(j)
G-51, Waterbury, Connecticut, Area	(i)
G-52, Putnam, Connecticut, Area	(j)
G-53, Bellows Falls Area	(j)
G-54, Burlington, Vermont, Area	(i)

This Supplementary Order No. 6 shall become effective March 8, 1944.

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which prices are established; Column II shows maximum prices for credit sales on a "direct delivery" basis; Column III shows maximum prices for cash sales on

a "direct delivery" basis; Column IV shows maximum prices for "commercial sales" on a "direct delivery" basis. All prices are for sales on a net ton basis.

Column I	Column II	Column III	Column IV
I. High volatile Bituminous coals from Producing District No. 8 (Eastern Kentucky and Southwestern W. Virginia).			
A. Lump, Size Groups Nos. 1 and 2 (bottom size larger than 3"):			
1. Mine Price Classifications E and F.....	\$8.35	\$8.10	\$7.85
2. Mine Price Classifications G and H (excluding the Back Creek No. 2 Mine, Index 27 of the Pruden Coal and Coke Co.).....	8.05	7.80	7.55
3. Mine price classifications J and K.....	7.95	7.70	7.45
4. Mine price classifications L through O.....	7.80	7.55	7.30
B. Egg:			
1. Size Group No. 5 (top size larger than 5" but not exceeding 6" x bottom size larger than 2" but not exceeding 3"; top size larger than 6" x bottom size 2" and smaller), Mine price classifications G through K.....	7.75	7.50	7.25
2. Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3"):			
a. Mine price classifications E and F.....	8.00	7.75	7.50
b. Mine Price Classifications G through N.....			
(1) The Fourseam Mine, Index 207, of the Fourseam Coal Corporation.....	7.75	7.50	7.25
(2) All mines excepting the above.....	7.65	7.40	7.15
3. Size Group No. 7 (top size larger than 3" but not exceeding 5" x bottom size 2" and smaller), Mine Price Classifications B through M.....	7.55	7.30	7.05
C. Stoker, Size Group No. 10 (top size 1 1/4" and smaller x bottom size smaller than 1 1/4"):			
1. Mine price classification A:			
a. Treated.....	8.30	8.05	7.80
b. Untreated.....	8.20	7.95	7.70
2. Mine price classifications B through E:			
a. Treated.....	7.90	7.65	7.40
b. Untreated.....	7.80	7.55	7.30
D. Screenings, Size Group No. 20 (larger than 3/4" x 0 but not exceeding 2" x 0), mine price classifications D through L.....			5.95
II. High volatile bituminous coals from Producing District No. 9 (western Kentucky).			
A. Lump and Egg from the 9th and 11th seams:			
1. Size Group Nos. 1 through 6 (all single-screened lump coals and all double-screened raw, washed or air-cleaned egg coals, top size larger than 2").....	6.40	6.15	5.90
III. Low volatile bituminous coals from Producing District No. 7 (southeastern West Virginia and northwestern Virginia):			
A. Lump and Egg:			
1. Size Group Nos. 1 and 2 (lump—bottom size larger than screened run of mine; egg—top size larger than 3" x bottom size no limit); mine price classification A.....	9.60	9.35	9.10
B. Stoker, Size Group No. 5 (pea or dedusted screenings—top size not exceeding 3/4" x bottom size smaller than 3/4"), mine price classification A.....	8.00	7.75	7.50
IV. Coke (excluding reject or reclaimed coke), egg, stove, and nut.....	10.85	10.60	10.35
V. Briquettes (low volatile).....	9.70	9.45	9.20

(2) *Discounts.* All prices quoted in Column III shall be subject to a discount of \$0.50 per ton on all "yard sales".

(3) *Descriptive terms.* All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-8 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

Per ton

Trimming in the bin.....	\$.25
Carry-in or wheel-in from curb.....	.75
Carrying up one flight of stairs.....	1.00

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However, the dealer need not so separately state on a sale to the United States or any

agency thereof, the District of Columbia, any state government or any political sub-division thereof.

(g) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the

type and kind of solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with the Louisville District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant, operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean sales and deliveries made by the dealer in his customary manner at his yard.

(6) "Commercial sales" shall mean sales in quantities totaling 40 tons or more in one year to one buyer and deliv-

ered to one place, to schools, churches, apartment buildings, hotels, and to commercial and industrial consumers.

(7) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein, and in full force and effect.

(c) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-8 under Revised Maximum Price Regulation No. 122 shall become effective March 1, 1944.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 25, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-3233; Filed, March 6, 1944;
3:05 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-861]

THE CINCINNATI, NEWPORT AND COVINGTON RAILWAY COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 4th day of March 1944.

Notice is hereby given that an application or declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Cincinnati, Newport and Covington Railway Company (Railway), a subsidiary of Columbia Gas & Electric Corporation (Columbia), a registered holding company.

Notice is further given that any interested person may, not later than March 16, 1944, at 10:00 a. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the said Commission, for a statement of the transac-

tions therein proposed, which are summarized below:

Railway proposes to declare and pay from the unrestricted portion of its special capital surplus a cash dividend of \$30.00 per share on its 10,000 shares of outstanding common stock, aggregating \$300,800. Columbia owns 9,734 $\frac{1}{4}$ shares of the common stock and \$1,304,-596.68, principal amount of 6% income Demand Notes of Railway, being all the outstanding securities of Railway except 265 $\frac{4}{7}$ shares of common stock held by other holders. The payment of this dividend is contingent upon the prior or simultaneous disposition and sale by Columbia of all its investments in Railway to Bayou Interests, Inc., stated to be a non-affiliate. The amount of the purchase price to be paid to Columbia is tentatively fixed at \$1,520,000, which together with interest and dividends to be received by Columbia will aggregate approximately \$1,900,000.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-3299; Filed, March 7, 1944;
4:22 p. m.]

[File No. 70-869]

SOUTHWESTERN PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of March, A. D. 1944.

Notice is hereby given that a declaration has been filed pursuant to the Public Utility Holding Company Act of 1935 by Southwestern Public Service Company, a registered holding company.

All interested persons are referred to said declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Southwestern Public Service Company proposes to sell to G. C. Hyde, an individual of Dallas, Texas, all of the outstanding securities of its subsidiary, Gulf Public Service Company, consisting of \$2,800,000 principal amount of 5% Unsecured Notes, due October 1, 1966, and 3,000 shares of Common Stock, par value \$100 per share, for a basic consideration of \$4,660,000 cash, subject to adjustments for net current assets and certain tax adjustments.

The aforesaid securities of Gulf Public Service Company are now pledged as collateral under Southwestern Public Service Company's First Mortgage and Collateral Trust Bonds. Pursuant to the provisions of the indenture securing said Bonds, the proceeds of the aforesaid sale will be deposited with the Trustee under said indenture, and thereafter Southwestern Public Service Company intends to apply the amount so deposited for one or more of the several purposes specified in said indenture.

Southwestern Public Service Company requests an exemption from the competitive bidding requirements of Rule

U-50 in respect of the aforesaid proposed sale.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such declaration and that said declaration shall not become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said act and rules of the Commission thereunder be held on March 16, 1944 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether compliance with the requirement of competitive bidding under Rule U-50 is necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration, or the reasonableness of any fees or commissions to be paid with respect to the said proposed sale.

2. Whether the proposed consideration to be received for the Gulf Public Service Company securities is reasonable.

3. Whether the accounting entries to be made in connection with the proposed sale and the adjustment of accounts incident thereto are in accordance with sound and accepted principles of accounting.

4. The identity of the purchaser and his interest in any other public utility company or holding company.

5. Whether it is necessary or appropriate to impose any terms and conditions with respect to the proposed transactions in the public interest, for the protection of investors and consumers, or in order to insure compliance with the standards of the Act.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Southwestern Public Service Company, to the Public Service Commission of New Mexico, and to the Public Service Commission of Louisiana; and that notice of said hearing be given to all persons by publication of this order in the **FEDERAL REGISTER**. Any other person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Com-

FEDERAL REGISTER, Thursday, March 9, 1944

mission, on or before March 12, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-3300; Filed, March 7, 1944;
4:22 p. m.]

[File Nos. 54-45 and 59-48]

SOUTHERN UNION GAS CO., ET AL.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of March 1944.

The Commission having entered its order herein on September 19, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 directing that Southern Union Gas Company (formerly named Texas Southwestern Gas Company) divest itself of all its interest in, and of all ownership and control of certain designated companies and certain designated properties; and

The Commission having by order dated October 29, 1943 granted to Southern Union Gas Company an additional period of six months from September 19, 1943, within which to comply with the provisions of the said order of September 19, 1942, without prejudice, however, to the respondent to apply for an additional extension if the circumstances warrant;

Notice is hereby given that on February 29, 1944, Southern Union Gas Company filed an application requesting the entry of an order by this Commission under section 11 (c) of the act extending for six months the time within which to comply with the order of September 19, 1942, above described.

All interested persons are referred to said application which is on file in the office of the Commission for full details concerning the application.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said application and for other purposes:

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on the 17th day of March, in such room as may be designated on such day by the hearing room clerk.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by Rule XVII of the Commission's rules of practice, on or before March 14, 1944.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is here-

by authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by such application, particular attention will be directed at the hearing to (1) whether Southern Union Gas Company has exercised due diligence in its efforts to comply with the Commission's order of September 19, 1942, and (2) whether an extension of time for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Southern Union Gas Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-3301; Filed, March 7, 1944;
4:22 p. m.]

[File Nos. 70-314, 70-315, 59-21, 4-33, 54-91,
70-868]

UNITED GAS CORP., ET AL.

NOTICE OF FILING OF PLAN AND APPLICATION OR DECLARATION (OR BOTH), ORDER OF CONSOLIDATION, AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of March, A. D. 1944.

In the matter of United Gas Corporation, United Gas Pipe Line Company, Houston Gulf Gas Company, File No. 70-314; in the matter of Electric Bond and Share Company, File No. 70-315; in the matter of Electric Bond and Share Company, Electric Power & Light Corporation, United Gas Corporation, Houston Gas Securities Company, United Gas Pipe Line Company, Houston Gulf Gas Company, File No. 59-21; in the matter of investigation of organization and financing of United Gas Corporation, etc., File No. 4-33; in the matter of United Gas Corporation, Electric Power & Light Corporation, Electric Bond and Share Company, File No. 54-91; in the matter of Electric Bond and Share Company, File No. 70-868.

United Gas Corporation ("United") a subsidiary of Electric Power & Light Corporation ("Electric"), a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, and certain of the subsidiary companies of United having heretofore filed a joint declaration for approval of a series of transactions incident to the refinancing of United (File No. 70-314); and

Bond and Share having filed a declaration for permission to use the funds which it was to receive as a result of the

transactions contemplated in the joint filing for the acquisition and retirement of a portion of its preferred stocks (File No. 70-315); and

The Commission having by notice and order dated May 31, 1941 (Holding Company Act Release No. 2790) instituted proceedings (File Nos. 4-33 and 59-21) with respect to United, Electric and Bond and Share as well as certain of the subsidiaries of United under sections 11 (b) (2), 12 (b), 12 (c), 12 (f) and 18 of the Public Utility Holding Company Act of 1935 (the "act") in which issues were raised concerning, among other things, the fairness and equitableness of the present distribution of voting power among the security holders of United, the action which might be necessary or appropriate to cure an unfair and inequitable distribution of such voting power, if found to exist, or to cure any undue or unnecessary complexities in the structure of United; and the general validity and status of the indebtedness of United to Bond and Share in the capital structure of United in view of the responsibility of Bond and Share for, and its actions in connection with, the organization, financing and subsequent management of United; and

The Commission having heretofore consolidated the proceedings with respect to the above-mentioned matters, hearings having been held thereon at various dates, and the record having been closed on September 21, 1943, with respect to certain of the issues therein, including all of the issues specifically set forth above;

Notice is hereby given that United, Electric, and Bond and Share have filed a joint application with the Commission pursuant to section 11 (e) of the act for approval of a plan, the stated purposes of which are to effectuate compliance with section 11 (b) (2) of the act through the conversion of United's present capital structure into a capital structure consisting only of par value common stock and mortgage debt; the simplification of the capital structure of United and the consequent simplification of the holding company system of Electric; the fair and equitable distribution of voting power among the security holders of United; and the compromise, settlement and discharge of the various claims, defenses and counter claims among Bond and Share, United, Electric and their respective security holders.

Notice is further given that an application or declaration (or both) has been filed by Bond and Share under section 12 (c) of the act and Rule U-42 thereunder for permission to use the \$44,000,-000 which it is proposed to receive under the Plan for the acquisition and retirement of so much of its preferred stocks as may be so acquired and retired.

All interested persons are referred to the said Plan and the said application or declaration (or both) which are on file in the office of the Commission for a full statement of the transactions therein proposed which are more particularly described below:

United, a Delaware corporation, is engaged in the purchase and distribution of natural gas at retail and its four principal subsidiaries are engaged in the

production, purchase, transportation and sale of natural gas and crude oil. The security structure of United as of Decem-

ber 31, 1943, including the obligations of United to Bond and Share, is as follows: (as shown per books)

	Principal amount or shares outstanding	Principal amount, par or stated value
Debt:		
6% Debentures, United Gas Public Service Company, due 1953.	\$25,000,000	\$25,000,000
5% Collateral Trust Gold Bonds, Houston Gas Securities Company, due 1952 ¹ .	3,900,000	3,900,000
6% Demand note.	25,925,000	25,925,000
6% Open account.	2,000,000	2,000,000
Total debt.		56,825,000
Preferred Stocks:		
\$7 Preferred Stock (Value in liquidation) ² .	449,822 shs.	44,982,200
\$7 Second Preferred Stock (Value in liquidation) ³ .	884,680 shs.	88,468,000
Total Preferred Stock.		133,450,200
Common Stock \$1 Par Value.	7,818,950 shs.	7,818,950
Option Warrants to Purchase Common Stock at \$33½ per share.	4,864,967 w'ts.	

¹ Secured by a pledge of \$3,850,000 principal amount of 6% debentures United Gas Public Service Company, due 1953, and \$4,585,000 principal amount United Gas Public Service Company debentures due 1952 under an indenture of trust with the Chase National Bank of the City of New York.

² Undeclared Cumulative Dividends on the \$7 preferred stock at Dec. 31, 1943 amounted to \$5,491,577 or \$12.21 per share.

³ Undeclared Cumulative Dividends on the \$7 Second Preferred Stock at Dec. 31, 1943 amounted to \$73,280,993 or \$82.63 per share.

The public holds \$3,460,000 principal amount of the Houston Gas Securities 5% Bonds, 432,512 shares (96.15%) of the \$7 Preferred Stock, 3,271,207 shares (41.83%) of the common stock and 1,113,922 warrants (22.90%). Electric owns all of the \$7 second preferred stock, 3,795,086 (48.54%) of the common stock and 3,600,040 warrants (74.00%). Bond and Share owns \$440,000 of the Houston Gas securities 5% Bonds, the \$25,000,000 United Gas Public Service 6% debentures, the 6% demand note of \$25,925,000, the \$2,000,000 open account indebtedness, 17,310 (3.85%) shares of \$7 preferred stock, 752,666 shares (9.63%) of common stock and 151,005 warrants (3.10%).

The net over-all results of the action contemplated in and proposed by the Plan will be the elimination from the security structure of United of its entire existing debt, preferred stock, second preferred stock and accumulated dividend arrearages on the preferred and second preferred stocks and the issuance as the sole senior security in the structure of \$100,000,000 of first mortgage debt; the elimination of the presently outstanding common stock of United having a par value of \$1 and the issuance of 10,653,302.2 shares of common stock having a par value of \$10 per share; and the cancellation of the outstanding option warrants.

Bond and Share will be divested of all of its claims against and interest in United including its debt claims and holdings of preferred stock with accumulated dividend arrearages thereon, common stock and option warrants and will receive cash in the amount of \$44,000,000. Electric will be divested of all of the \$7 second preferred stock of United, the entire issue of which is owned by it, plus accumulated dividend arrearages thereon as well as its present common stock holdings and option warrants and will receive 10,108,101 shares (94.9%) of the new \$10 par value common stock. The public holders of common stock in lieu of their 3,271,207 shares (41.83%) of

present common stock of an aggregate par value of \$3,271,207 will receive 545,201.2 shares (5.1%) of new common stock of an aggregate par value of \$5,452,012. The publicly held \$7 preferred stock will be redeemed at the redemption price of \$110 per share plus accumulated and unpaid dividends and the option warrants will be cancelled without compensation to the holders thereof.

The particular steps contemplated in and proposed by the Plan by which the foregoing changes in the security structure of United are to be achieved may be summarized as follows:

(1) United will file an amendment to its previously described filing herein (File No. 70-314) in which amendment it will seek approval of the issuance and sale of \$100,000,000 principal amount of First Mortgage and Collateral Trust Bonds.

(2) Electric will acquire from Bond and Share for a cash purchase price of \$44,000,000 the following claims in and against United held by Bond and Share:

\$25,000,000 principal amount of 6% debentures, due 1953, of United Gas Public Service Company assumed by United; United's 6% demand note in the principal amount of \$25,925,000; 6% open account indebtedness from United to Bond and Share of \$2,000,000; 17,310 shares of \$7 preferred stock, 752,666 shares of common stock, 151,005 option warrants for the purchase of common stock, of United, \$440,000 principal amount of 5% Collateral Trust Gold Bonds of Houston Gas Securities Company assumed by United.

(3) Electric will surrender to United as a capital contribution the 17,310 shares of \$7 preferred stock of United acquired by it from Bond and Share in the transaction described in paragraph (2) above and United will cancel the said shares.

(4) United will redeem and cancel the 432,512 shares of \$7 preferred stock held by the public at their redemption price of \$110 per share plus accumulated divi-

dends thereon to the redemption date, employing for such purpose so much of the proceeds of the sale of its First Mortgage and Collateral Trust Bonds as may be necessary therefor (approximately \$53,000,000).

(5) United will declare and pay a dividend on its \$7 second preferred stock, all of which is held by Electric, of 12,385,520 shares of its \$1 par value common stock, and Electric will accept such stock dividend in payment of \$12,385,520 of the accumulated and unpaid dividends on such stock.

(6) Electric will surrender to United for cancellation 444,680 shares of United's \$7 second preferred stock together with all rights to accumulated undeclared dividends thereon and will receive in exchange therefor 44,468,000 shares of the \$1 par value common stock of United.

(7) United will purchase from Electric for \$44,000,000 in cash, its remaining 440,000 shares of second preferred stock having a stated value of \$44,000,000, and Electric will also transfer to United the right of Electric to accumulated and unpaid dividends on such stock. United will derive the \$44,000,000 in cash from the proceeds of its sale of First Mortgage and Collateral Trust Bonds and Electric will use the \$44,000,000 received by it to discharge its obligation arising in connection with its acquisition of securities of United from Bond and Share as described in paragraph (2) above.

(8) Electric will surrender to United as a capital contribution the securities and open account indebtedness of United acquired by Electric from Bond and Share as described in paragraph (2) above (exclusive of the 17,310 shares of United's \$7 preferred stock previously surrendered as described in paragraph (3) above) together with option warrants for the purchase of 3,751,045 shares of the common stock of United.

(9) United will pass a resolution entitling its common stockholders to two-thirds of a share of common stock for each share of such stock then held and, in connection therewith, will cause to be transferred from Capital Surplus to Stated Capital the sum of \$42,613,209 to cover the capital liability to be represented by the additional shares of stock so to be issued and to render such shares fully paid and nonassessable.

(10) United will use the remaining proceeds of the sale of its First Mortgage and Collateral Trust Bonds together with such additional cash in its treasury as may be necessary to redeem and cancel \$3,460,000 principal amount of publicly held 5% Collateral Trust Gold Bonds of Houston Gas Securities Company, due March 1, 1952, assumed by United.

(11) United will amend its certificate of incorporation so as to eliminate the authorization of the \$7 preferred stock and the \$7 second preferred stock and to reclassify the 106,533,022 shares of then outstanding \$1 par value common stock into 10,653,302.2 shares of \$10 par value common stock and will exchange the new shares of common stock for the outstanding common stock on the basis of 1 share of new stock for 10 shares of

old stock. No certificates for fractional shares will be issued but scrip will be issued in lieu thereof, which will not be entitled to any stockholders' rights, except that when combined in lots aggregating one or more full shares it may be exchanged for such shares within a period of one year after the effective date of the plan. All shares of common stock reserved for issuance in exchange for scrip and not issued in connection therewith within the one-year period will be sold by United in the open market within 60 days after the expiration of such one-year period and the sole right of the holders of scrip certificates thereafter shall be to their pro rata shares of the proceeds of such sale without interest thereon.

(12) As previously stated the outstanding option warrants for the purchase of common stock of United will be revoked, abrogated and cancelled and will be accorded no participation in the Plan.

The parties state that in the event the Commission approves the Plan they will request the Commission to apply to the appropriate District Court of the United States for its enforcement and that the effective date of the Plan will be the date of the entry of the order of the District Court of the United States enforcing the Plan. The Plan provides that the approval of the Plan by the Commission and its confirmation by the Court and its consummation by the parties shall have the effect of a complete compromise, settlement and discharge of all claims or counter-claims of any of the parties thereto or their various security holders as such against any of the other parties thereto in any way related to, arising out of, or involving the debt or security holdings of Bond and Share or Electric in United and its subsidiaries and predecessors, or the conduct or management of United or its subsidiaries or predecessors to the effective date of the Plan. The Commission is petitioned, if it approves the Plan and the compromise embodied therein, to fix and determine the amounts of the payments, if any, to be made by United or Electric to the plaintiffs or their attorneys in certain legal proceedings, specifically enumerated in the Plan, involving claims of the kind sought to be compromised, settled and discharged by the Plan, by way of reimbursement for disbursements or allowances for legal services.

The Plan also states that its consummation is subject to the receipt by the parties from the United States Treasury Department of a closing agreement or closing agreements as to the tax consequences of the transactions necessary to carry out the Plan which will be satisfactory to the management of the respective corporations affected and requests that any order of the Commission approving the Plan recite that the relevant transactions of the Plan are necessary or appropriate to the integration or simplification of the holding company system of which United is a member and are necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the act, all in accordance

with the meaning and requirements of the Internal Revenue Code as amended, including Section 1808f and Supplement R thereof.

The Plan is stated to be subject to the further condition that the filing by Bond and Share for the use of part or all of the \$44,000,000 in cash to be received by it for the acquisition and retirement of its preferred stocks be approved by the Commission. The said filing by Bond and Share proposes to use said cash for the purchase in the open market of Bond and Share's \$5 and \$6 preferred stocks, with the right to use all or any part of the unexpended portion of such cash in connection with any other plan for the reduction of its outstanding preferred stock which may hereafter be submitted by Bond and Share to the Commission and approved by it. The period for said purchases is to be limited to twelve months from the date of receipt of such cash by Bond and Share subject to such extension or extensions as may, upon application therefor, be granted.

The Commission being required by the provisions of section 11 (e) of the act before approving any Plan thereunder to find, after notice and opportunity for hearing, that such Plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such Plan, and it appearing appropriate to the Commission in the public interest and in the interest of investors and consumers that notice be given and a hearing to be held upon said Plan and upon the application or declaration (or both) filed by Bond and Share to afford all interested persons an opportunity to be heard with respect thereto and that the application with respect to said Plan and the application or declaration (or both) filed by Bond and Share shall not become effective nor be granted except pursuant to further order of the Commission; and

It further appearing to the Commission that the proceedings with respect to the proposed Plan and the said application or declaration (or both) are related to and involve common questions of law and fact with the above-described proceedings under sections 6, 7, 9 (a), 10, 11 (b) (2), 12 and 18 of the act (File Nos. 70-314, 70-315, 59-21, 4-33) and should be consolidated for consideration by the Commission together therewith;

It is ordered, That the proceedings with respect to said Plan filed pursuant to section 11 (e) of the act and the said application or declaration (or both) filed by Bond and Share and the pending consolidated proceedings under sections 6, 7, 9 (a), 10, 11 (b) (2), 12 and 18 of the act (File Nos. 70-314, 70-315, 59-21, 4-33) be, and they hereby are, consolidated to the extent of consideration by the Commission of the issues involved and the record in the pending consolidated proceedings be, and the same hereby is, incorporated in the consolidated proceedings herein.

It is further ordered, That a hearing in the consolidated proceedings be held at 10:30 a. m., e. w. t., on the 4th day of April 1944, at the offices of the Securities

and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at that time by the Hearing Room Clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by its Rules of Practice, Rule XVII, on or before April 1, 1944.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented in the consolidated proceedings particular attention will be directed at the hearings to the following matters and questions in addition to those stated in the order of this Commission referred to above, dated May 31, 1941:

1. Whether the Plan as submitted or as hereafter modified is necessary to effectuate the provisions of section 11 (b) of the act.

2. Whether the proposed Plan as submitted or as hereafter modified is fair and equitable to the persons affected thereby.

3. Whether the proposed acquisition of shares of its preferred stocks by Bond and Share, and the method proposed therefor, is appropriate and in the public interest and in the interest of investors, and in conformity with the standards of section 12 (e) of the act.

4. Whether, if the transactions proposed are authorized by the Commission, it is appropriate in the public interest and in the interest of investors and consumers that any terms and conditions be imposed in connection with such authorization and, if so, what such terms and conditions should be.

5. Whether the fees and expenses proposed to be paid in connection with the consummation of the Plan and all transactions incidental thereto are for necessary services and are reasonable in amount.

6. Whether the Commission shall, in accordance with the petition of the parties to the Plan, take and exercise jurisdiction to fix and determine the amounts of the payments, if any, to be made by United or Electric to the plaintiffs or their attorneys in the legal proceedings specifically enumerated in the plan, by way of reimbursement for disbursements or allowances for legal services and, if so, what action it should take in the exercise of such jurisdiction.

7. Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the Act and the Rules promulgated thereunder.

8. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent

with all applicable requirements of the Act and Rules thereunder.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved; and

It is further ordered, That notice of this hearing be given to United, Bond and Share and Electric and to all other persons, said notice to be given by registered mail to United, Bond and Share and Electric, to all persons previously granted intervention or participation in any of the proceedings consolidated herein, and to the attorneys of record, in the legal proceedings specifically enumerated in the plan, involving claims of the kind sought to be compromised, settled and discharged by the Plan, and to all other persons by publication in the **FEDERAL REGISTER;** and

It is further ordered, That United, Electric and Bond and Share shall give notice of this hearing to all their security holders (insofar as the identity of such security holders is known or available to them) by mailing to each of said persons a copy of this notice and order for hearing at his last known address at least 20 days prior to the date of this hearing.

By the Commission.

[SEAL]

ORVAL L. DUBois,
Secretary.

[F. R. Doc. 44-3302; Filed, March 7, 1944;
4:22 p. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 27]

BOARD OF APPEALS AREA, N. Y.

ESTABLISHMENT

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with recommendation of Brigadier General Ames T. Brown, State Director of Selective Service for the State of New York, I hereby order and direct:

That the State Director of Selective Service for the State of New York is hereby authorized to disestablish the board of appeal areas for Boards of Appeal Nos. 23 and 24, State of New York, and to establish one board of appeal area coextensive with the counties of Cattaraugus, Chautauqua, Genesee, Niagara, Orleans, Wyoming, and Erie, State of New York.

LEWIS B. HERSHY,
Director.

MARCH 7, 1944.

[F. R. Doc. 44-3278; Filed, March 7, 1944;
3:28 p. m.]

UNITED STATES COAST GUARD.

ITEMS OF EQUIPMENT APPROVED

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following items of equipment for the better security of life at sea are approved:

EMBARKATION-DEBARKATION LADDER

Embarkation - debarkation double wood rung chain ladder (Dwg. No. D-2230-O, dated 16 February, 1944), submitted by Brisbane and Company, 8653 Atlantic Street, South Gate, Calif.

DAVIT

Schat gravity davit, type GR. 19.B. (Arrangement Dwg. No. A. A. 113, dated 12 January, 1942) (Maximum working load of 9,500 pounds per arm), submitted by the Lane Lifeboat & Davit Corp., Foot of 40th Road, Flushing, N. Y.

HAND-DISTRESS SIGNAL

Hand distress signal, type VK M-2, submitted by the Van Karner Chemical Arms Corp., 202 E. 44th St., New York, N. Y.

LIFEBOAT

27.8' x 8.5' x 3.8' clinker built ear propelled wooden lifeboat (538 Cu. Ft. capacity) (Construction details Dwg. No. D. P. L. B. 61, Type A, Sheet 2, dated 28 October, 1943), manufactured by the Fox River Boat Works, De Pere, Wis.

LIFE FLOATS

25-person, rectangular balsa wood life float (Dwg. No. 3491-25, dated 3 January, 1944) submitted by the Bell Lumber Company, 3491 Gage Ave., Bell, Calif.

10-, 15-, 20-, 25-, 40-, and 60-person, elliptical balsa wood life floats (Dwg. No. G-331, revised 13 December, 1943), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

10-person, elliptical balsa wood life float (Dwg. No. L. F. 10-1, dated 7 February, 1944), submitted by Paul, Rice & Levy, Inc., 2933 Dauphine Street, New Orleans, La.

LIFE RAFT

20-person, all steel well deck life raft, type No. 2 (Dwg. Nos. 1, 2, and 3 of 3 sheets), designed by Jones-Gillis Manufacturing Company, McComb, Miss.

SEA ANCHOR

Sea anchor, type AR-13 (U. S. Coast Guard Dwg. No. MMI-562 and specification, dated 1 November, 1943), submitted by Aero Materiel Corporation, 2480 Sixteenth St., N.W., Washington, D. C.

WINCHES FOR LIFEBOATS

Welin Maciachen winch with quick return mechanism, type "CWB" N single drum (General Arrangement Dwg. No. 2676-6, dated 19 August, 1943) (Maximum working load of 6,970 pounds at the drum), submitted by Welin Davit & Boat Corp., Perth Amboy, N. J.

Welin type "CWB" 6-N gravity winch with quick return mechanism (General Arrangement Dwg. No. 2676-2, dated 11 August, 1943) (Maximum working load of 13,500 pounds at the drums), submitted by Welin Davit & Boat Corp., Perth Amboy, N. J.

R. R. WAESCHE,
Vice Admiral, USCAG,
Commandant.

MARCH 7, 1944.

[F. R. Doc. 44-3309; Filed, March 8, 1944;
10:34 a. m.]

WAR MANPOWER COMMISSION.

INDIANAPOLIS, IND., WAR MANPOWER COMMISSION AREA

EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Indianapolis War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Indianapolis Area Labor-Management War Manpower Committee.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effective date.

I. *Objectives.* The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

II. *Geographic content of the area.* The Indianapolis Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties in Indiana:

Marion, Hamilton, Boone, Hendricks, Johnson, Shelby, Hancock, Putnam, and Morgan.

The boundaries of the Indianapolis Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

III. *Definitions of terms used in this plan.* (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For

the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (See 8 F.R. 11421.)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity. (See Appendix IV).

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Indianapolis Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of management and labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Indianapolis Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that service.

(k) The "Regional Director," is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following states: Illinois, Indiana, Wisconsin.

(l) The "State Director" is the chief administrative officer of the War Manpower Commission for the State of Indiana.

(m) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the State Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section II of this plan.

IV. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Indianapolis Area shall be conducted in accordance with this plan.

V. Provisions governing the orderly transfer of workers—(a) General provisions. 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

2. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

3. Issuance of statements of availability by the USES. (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

4. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

5. Workers who may be hired only upon referral by the USES. (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with the USES when:

(1) The new employee is to be hired for work in a critical occupation or his statement of availability indicates that his last employment was in a critical occupation;

(2) The new employee has not lived or worked in the locality or the new employ-

ment throughout the preceding 30-day period;

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work. *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration. *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(b) Encouragement of local initiative and use of existing hiring channels. To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

6. Exclusions. No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

7. Appeals. Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

8. Content of statements of availability. A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address, of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new

employment as may be authorized or required by the WMC.

9. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under the employment stabilization plan, except in a manner consistent with such restrictions.

10. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

11. *Representation.* Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

12. *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

13. *Collective bargaining agreements.* Nothing in this plan shall be construed

to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

VI. *Authority and responsibility of the Indianapolis Area Labor-Management War Manpower Committee.* The Area Labor-Management War Manpower Committee for the Indianapolis Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Manpower Director.

VII. *Posting pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Indianapolis Area of the War Manpower Commission, Region VI.

VIII. *Revocation of existing stabilization plans.* The Indianapolis Area stabilization plan, effective February 24, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 15, 1943.

IX. *Effective date.* This plan shall become effective 12:01 a. m. on October 15, 1943.

Signed: October 1, 1943.

WILFRED BRADSHAW,
Area Director,
The Indianapolis Area.

Approved: October 8, 1943.

W. H. SPENCER,
Regional Director, Region VI.

APPENDIX IV—LOCALLY NEEDED ACTIVITIES

In addition to the national list of essential activities the following listed industries have been declared "locally needed" by the Indianapolis War Manpower Committee. In the Indianapolis War Manpower Commission Area such industries are considered essential activities and are to be treated exactly as other essential activities under the terms of the Indianapolis Area Employment Stabilization Plan. Industries:

Commercial laundries.

Commercial dry cleaners.

Ice manufacturers and distributors.

Coal merchants.

Retail groceries: following occupations only: (1) Meat managers, (2) fresh fruit and vegetable managers, (3) store managers.

Wholesale groceries.

Hotels, certain occupations only.

[F. R. Doc. 44-3307; Filed, March 8, 1944;
10:00 a. m.]

